



## Legislation Text

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**File #:** RES PH 14-153, **Version:** 2

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Approving the application of USA Triathlon for a sound level variance in order to provide amplified music and the use of a sound system for announcements from 8:00 a.m. until 7:00 p.m. on Tuesday, Wednesday, Thursday, and Friday, July 15, 16, 17 and 18, 2014; and from 5:00 a.m. until 8:00 p.m. on Saturday, July 19, 2014, during the Duathlon National Championships event at Harriet Island. (Public hearing continued from June 4) (Amended to approve variance, with conditions, only on Saturday, July 19, 2014 from 5:00 a.m. to 4:00 p.m.)

WHEREAS, Chapter 293 of the Saint Paul Legislative Code was enacted to regulate the subject of noise in the City of Saint Paul; and

WHEREAS, §293.09 provides for the granting of variances from the sound level limitations contained in §293.07, upon a finding by the City Council that full compliance with Chapter 293 would constitute an unreasonable hardship on the applicant, other persons or on the community; and

WHEREAS, USA Triathlon, represented by Brian D'Amico, National Events Senior Manager, who has been designated as the responsible person on the application, has applied for a variance to provide amplified music and the use of a sound system for announcements at Harriet Island; and

WHEREAS, applicant is seeking a variance ~~from 8:00 a.m. until 7:00 p.m. on Tuesday, Wednesday, Thursday, & Friday, July 15, 16, 17 & 18, 2014 & from 5:00 a.m. until 8:00 p.m. on Saturday, July 19, 2014~~ during the Duathlon National Championships event at Harriet Island; and

WHEREAS, if applicant is not granted a variance they will not be able to provide the use of a sound system and amplified music at Harriet Island; and

WHEREAS, the Department of Safety and Inspections has reviewed the application and has made recommendations regarding conditions for the variance; now, therefore, be it

RESOLVED, that the Council of the City of Saint Paul hereby grants a variance to Brian D'Amico, National Events Senior Manager for USA Triathlon for the Duathlon National Championships event at Harriet Island subject to the following conditions:

- 1) The variance shall be for the hours of ~~8:00 a.m. until 7:00 p.m. on Tuesday, Wednesday, Thursday, & Friday, July 15, 16, 17 & 18, 2014 & from 5:00 a.m. until 8:00 p.m. on Saturday, July 19, 2014.~~
- 2) All electronically powered equipment, PA systems, loudspeakers, or similar devices will only be located at the locations indicated on the venue diagram submitted as part of the sound level variance application:
  - a. Finisher Line and Announcer
  - b. Transition Area (outlined in red on diagram)
  - c. Race Start Area
- 3) All electronically powered equipment, PA systems, loudspeakers, or similar devices will be aimed or located so they are facing away from residential use areas such as those across the river or the bluff

area to the south.

- 4) All electronically powered equipment, PA systems, loudspeakers, or similar devices used in conjunction with the event must not exceed the following sound level limits:
  - a. ~~On July 15, 16, 17 & 18, 2014, between the hours of 8:00 a.m. until 7:00 p.m., sound levels at the three (3) locations identified in condition number two (2) must not exceed 85 dBA at 50 feet from the sound source.~~  
On July 19, 2014, between the hours of 5:00 a.m. and ~~7~~8:00 a.m. sound levels at the three (3) locations identified in condition number two (2) must not exceed 75 dBA at 50 feet and between the hours of ~~7~~8:00 a.m. and ~~8~~4:00 p.m. must not exceed 85 dBA at 50 feet from the sound source.
- 5) Sound level tests will be completed before the event on Thursday, July 17, 2014 and/or Friday, July 18, 2014, to determine if the 75 dBA at 50 feet sound level limit, in condition four (4), is appropriate for the early morning time of 5:00 a.m. - 8:00 a.m. Adjustments may be made to the 75 dBA limit if agreed to by both USA Triathlon and the Department of Safety and Inspections.
- 6) The applicant will provide personnel and equipment to provide continuous sound level monitoring to ensure compliance with the sound level variance conditions.
- 7) All electronically powered equipment, PA systems, loudspeakers, or similar devices must be turned off no later than ~~7:00 p.m. on July 15, 16, 17 & 18, 2014 and~~ ~~8~~4:00 p.m. on July 19, 2014.
- 8) The USA Triathlon must maintain a copy of the approved sound level variance at the event location and have it available for review by the City of Saint Paul Police or inspection personnel.

FURTHER RESOLVED, that any violation of the conditions set forth above may result in revocation of the sound level variance, in denial of future requests for a sound level variance, in addition to any criminal citation which might issue.

Was proper notice given? YES - See Attachments