



## Legislation Text

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**File #:** RES PH 17-110, **Version:** 1

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Approving the application of Anderson Race Management for a sound level variance in order to present announcements and 11-piece band on Saturday, May 13, 2017 during the Abria Life is Wonderful 5K and Family Walk at Upper Landing Park.

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, Anderson Race Management, represented by Mary Anderson, Race Manager, who has been designated as the responsible person on the application, has applied for a variance, with a requested sound level limit of 90 decibels (dBA) at no specified distance to present announcements and amplified music at Upper Landing Park; and

WHEREAS, applicant is seeking a variance for the hours of 9:00 a.m. to 12:00 p.m., with a pre-event sound check at 8:00 a.m., on Saturday, May 13, 2017, during the Abria Life is Wonderful 5K and Family Walk at Upper Landing Park; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present announcements and amplified music at Upper Landing Park; 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 Anderson Race Management, subject to the following conditions:

- 1) The variance shall be for the hours of 9:00 a.m. to 12:00 p.m., with a pre-event sound check at 8:00 a.m., on Saturday, May 13, 2017.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 90 dBA as measured 50 feet from sound source.
- 3) The applicant shall provide personnel and equipment to ensure compliance with the sound level variance conditions. The applicant may need to provide a barrier, to act as a sound absorber to contain excess sound from leaving the area.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 12:00 p.m. on the date of the event.

FURTHER RESOLVED, that any violations of the conditions set forth above on the first date may result in revocation of the grant of a variance for the subsequent date, in addition to any criminal citation which might issue.

Anderson Race Management, represented by Mary Anderson, Race Manager, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present announcements and amplified music, with limitations, from 9:00 a.m. to 12:00 p.m., with a pre-event sound check at 8:00 a.m., on Saturday, May 13, 2017, during the Abria Life is Wonderful 5K and Family Walk at Upper Landing Park. Chapter 293.09 provides for the granting of variances from the sound level limitations contained in Chapter 293.07.

Was proper notice given? YES - See Attachments