



## Legislation Text

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**File #:** RES PH 16-345, **Version:** 1

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Approving the application of Team Ortho Foundation - Monster Dash for a sound level variance on Saturday, October 29, 2016 on Shepard Road under the Smith Avenue Bridge.

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, Team Ortho Foundation, Monster Dash Event, represented by Marlene Earll, Director, who has been designated as the responsible person on the application, has applied for a variance, with no requested sound level limit, to present outdoor amplified music on Shepard Road under the Smith Avenue Bridge, during a Monster Dash Event; and

WHEREAS, applicant is seeking a variance for Saturday, October 29, 2016 from 9:00 a.m. until 12:30 p.m., with a pre-event sound check at 8:45 a.m. on Shepard Road under the Smith Avenue Bridge, and

WHEREAS, if applicant is not granted a variance, applicant will not be able to present outdoor amplified music on Shepard Road under the Smith Avenue Bridge; 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 Marlene Earll and Team Ortho Foundation, for Shepard Road under the Smith Avenue Bridge subject to the following conditions:

- 1) The variance will be for the Team Ortho Foundation Monster Dash Event in order to present outdoor amplified music on October 29, 2016 from 9:00 a.m. until 12:30 p.m., with a pre-event sound check at 8:45 a.m.
- 2) All electronically powered equipment, PA systems, loudspeakers or similar devices used in conjunction with the event will not exceed 80 dBA as measured 50 feet from any stage or sound source used for music and/or announcements between the hours of 9:00 a.m. until 12:30 p.m., with a pre-event sound check at 8:45 a.m.
- 3) The applicant shall provide personnel and equipment to ensure compliance with the variance conditions.
- 4) Speakers and stage must be directed away from residential use properties. Speakers are to face the river.
- 5) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 12:30 p.m.

FURTHER RESOLVED, that any violations of the conditions set forth above on the October 29, 2016 event date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Team Ortho Foundation, Monster Dash Event, represented by Marlene Earll, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present outdoor amplified music, with limitations, on Shepard Road under the Smith Avenue Bridge from 9:00 a.m. to 12:30 p.m., with a pre-event sound check at 8:45 a.m. on Saturday, October 29, 2016, during a Monster Dash Event. 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