



## Legislation Text

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**File #:** RES PH 18-228, **Version:** 1

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Approving the application of Team Ortho Foundation for a sound level variance to present outdoor music and announcements for the Women Rock Race events on Saturday, August 25, 2018 on Shepard Road between Eagle Street and Walnut Street, and 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, Team Ortho Foundation, represented by John Larson, Executive Director, has applied for a variance, at no specified sound level limit, to present a vocalist, announcements, and a DJ with amplified sound on Shepard Road, between Eagle Street and Walnut Street, and at Upper Landing Park for the Women Rock Race events; and

WHEREAS, applicant is seeking a variance for Saturday, August 25, 2018 from 7:30 a.m. until 1:30 p.m., with a pre-event sound check at 7:15 a.m. on Shepard Road, between Eagle Street and Walnut Street, and at Upper Landing Park, and

WHEREAS, if applicant is not granted a variance, applicant will not be able to present amplified sound for the Women Rock Race events; 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 Team Ortho Foundation subject to the following conditions:

- 1) The variance will be for the Women Rock Race events in order to present a vocalist, announcements, and a DJ with amplified sound on Shepard Road, between Eagle Street and Walnut Street, and at Upper Landing Park on August 25, 2018 from 8:00 a.m. until 1:30 p.m., with a pre-event sound check at 7:45 a.m.
- 2) All electronically powered equipment, PA systems, loudspeakers or similar devices used in conjunction with the event will not exceed 85 dBA as measured 50 feet from any stage or sound source used for music and announcements between the hours of 8:00 a.m. until 1:30 p.m., with a pre-event sound check at 7:45 a.m.
- 3) The applicant shall provide personnel and equipment to ensure compliance with the variance conditions.
- 4) Speakers must be directed away from residential use properties. Speakers are to be placed towards the river and away from residential areas.
- 5) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 1:30 p.m.

FURTHER RESOLVED, that any violations of the conditions set forth above on the August 25, 2018 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, represented by John Larson, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present outdoor music and announcements on Shepard Road, between Eagle Street and Walnut Street, and at Upper Landing Park for the Women Rock Race events from 7:30 a.m. to 1:30 p.m., with a pre-event sound check at 7:15 a.m., on Saturday, August 25, 2018. 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