



Legislation Details (With Text)

File #: RES PH 13- 263 **Version:** 1

Type: Resolution-Public Hearing **Status:** Passed
In control: City Council
Final action: 10/16/2013

Title: Approving the application of Team Ortho Foundation for a sound level variance in order to allow the use of an amplified sound system for announcements and music for the Monster Dash 2013 Race Village Pre-Race Gathering and Race Start on October 26, 2013 from 7:30 a.m. to 9:00 a.m. from Summit Park along Summit Avenue to the start line, 400 feet east of Summit Avenue and Nina Street.

Sponsors: Nathaniel Khaliq, Dave Thune

Indexes:

Code sections:

Attachments: 1. Monster Pre-race SLV Application.pdf, 2. Monster Pre-race ENS.pdf, 3. Monster Pre-race Applicant Notification.pdf, 4. Monster Pre-race DC 8 Notification.pdf, 5. Monster Pre-race Map.pdf, 6. Monster Pre-race Prop Owner List.pdf, 7. Monster Pre-race Example.pdf

Date	Ver.	Action By	Action	Result
10/24/2013	1	Mayor's Office	Signed	
10/16/2013	1	City Council	Adopted As Amended	Pass

Approving the application of Team Ortho Foundation for a sound level variance in order to allow the use of an amplified sound system for announcements and music for the Monster Dash 2013 Race Village Pre-Race Gathering and Race Start on October 26, 2013 from 7:30 a.m. to 9:00 a.m. from Summit Park along Summit Avenue to the start line, 400 feet east of Summit Avenue and Nina Street.

Amended 10/16/13

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 Jackie Johnson, Race Director, who has been designated as the responsible person on the application, has applied for a variance to allow the use of an amplified sound system for Monster Dash 2013 Race Village, Pre-Race Gathering and Race Start on October 26, 2013 from 7:30 a.m. to 9:00 a.m. at Summit Park along Summit Avenue to the start line, 400 feet east of Summit Avenue and Nina Street; and

WHEREAS, if applicant is not granted a variance it will not be able to present amplified sound system for the Monster Dash 2013 Race Village Pre-Race Gathering and Race Start; 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 the Team Ortho Foundation, subject to the following conditions:

- 1) The variance shall be for the hours of ~~7:30~~ 7:45 a.m. until 9:00 a.m. on October 26, 2013 at Summit Park along Summit Avenue to the start line, 400 feet east of Summit Avenue and Nina Street.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 80 dBA, as measured 50 feet from the sound source from 7:30 a.m. - 9:00 a.m.
- 3) The applicant shall provide personnel and equipment who shall provide continuous sound level monitoring during the event.
- 4) All PA systems, loudspeakers or similar devices shall be turned off no later than 9:00 a.m. on October 26, 2013.

FURTHER RESOLVED, that any violations of the conditions set forth above on the October 26, 2013 date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might be issued.

Team Ortho Foundation, represented by Jackie Johnson, Race Director, has requested an exemption from the sound level limitations in Chapter 293.07 in order to allow the use of an amplified sound system for the Race Village Pre-Race Gathering and Race Start on October 26, 2013 from 7:30 a.m. to 9:00 a.m. at Summit Park along Summit Avenue to the start line, 400 feet east of Summit Avenue and Nina Street. 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