



## Legislation Details (With Text)

**File #:** RES PH 14- 196 **Version:** 1

**Type:** Resolution-Public Hearing **Status:** Passed  
**In control:** City Council  
**Final action:** 7/23/2014

**Title:** Approving the application of Team Ortho Foundation for a sound level variance in order to present announcements at Kellogg Boulevard and Wacouta Street, amplified music and the use of a sound system for announcements at Shepard Road and Sibley Street, and a DJ at the Union Depot South Plaza, 214 Fourth Street East, on Saturday, August 2, 2014 from 7:30 p.m. to 11:00 p.m. (amended to 10:30 p.m.), for the Tiki Run.

**Sponsors:** Dave Thune

**Indexes:** Ward - 2

**Code sections:**

**Attachments:** 1. Application, 2. ENS, 3. Map, 4. Notice to District Council, 5. Notice to Property Owners, 6. Property Owners List, 7. Letter to Applicant

Date	Ver.	Action By	Action	Result
7/30/2014	1	Mayor's Office	Signed	
7/23/2014	1	City Council	Adopted As Amended	Pass

Approving the application of Team Ortho Foundation for a sound level variance in order to present announcements at Kellogg Boulevard and Wacouta Street, amplified music and the use of a sound system for announcements at Shepard Road and Sibley Street, and a DJ at the Union Depot South Plaza, 214 Fourth Street East, on Saturday, August 2, 2014 from 7:30 p.m. to 11:00 p.m. (amended to 10:30 p.m.), for the Tiki Run.

### Amended 7/23/14

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 Isaac Milkey, Event Director, who has been designated as the responsible person on the application, has applied for a variance to present amplified music and announcements at the Kellogg Blvd and Wacouta Street Start and amplified music and the use of a sound system for announcements at the Finish at Shepard Road and Sibley Street and DJ at the Union Depot South Plaza, 214 4<sup>th</sup> Street East, for the Tiki Run on Saturday, August 2, 2014; and

WHEREAS, if applicant is not granted a variance it will not be able to present the amplified music or announcements at the Kellogg Blvd and Wacouta Street Start and amplified music and the use of a sound system for announcements at the Finish at Shepard Road and Sibley Street and DJ at the Union Depot South Plaza, 214 4<sup>th</sup> Street East; 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 sound level variance to Team Ortho Foundation, subject to the following conditions:

1. The variance will be for the Tiki Run with announcements at the Kellogg Blvd and Wacouta Street Start and amplified music and the use of a sound system for announcements at the Finish at Shepard Road and Sibley Street and DJ at the Union Depot South Plaza, 214 4<sup>th</sup> Street East from 7:30 p.m. to ~~11:00~~ 10:30 p.m.
2. All electronically powered equipment, PA system, loudspeaker or any similar device used in conjunction with the event, will not exceed 80 dBA, as measured 50 feet from any stage or sound source.
3. The applicant shall provide personnel and equipment to ensure compliance with the variance conditions.
4. All electronically powered equipment, PA systems, loudspeakers or similar devices will be turned off by ~~11:00~~ 10:30 p.m. on August 2, 2014.
5. A copy of this sound level variance must be maintained at the event location and be available for review by the City of Saint Paul Police or inspection personnel.

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

Team Ortho Foundation, represented by Isaac Milkey, Event Director, has requested an exemption from the sound level limitations in Chapter 293.07 in order to provide announcements at the Kellogg Blvd and Wacouta Street Start and amplified music and the use of a sound system for announcements at the Finish at Shepard Road and Sibley Street and DJ at the Union Depot South Plaza, 214 4<sup>th</sup> Street East, for the Tiki Run on Saturday, August 2, 2014 from 7:30 p.m. to 11:00 p.m. 4. 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