



Legislation Details (With Text)

File #: RES PH 15- 52 **Version:** 1

Type: Resolution-Public Hearing **Status:** Passed
In control: City Council
Final action: 3/4/2015

Title: Approving Team Ortho Foundation's request for a sound level variance in order to use a sound system for the Get Lucky Run Pre-Race Announcements on Saturday, March 14, 2015 from 8:00 a.m. to 8:45 a.m. at the Kellogg Boulevard and Wacouta Street Start.

Sponsors: Dave Thune

Indexes: Ward - 2

Code sections:

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

| Date | Ver. | Action By | Action | Result |
|-----------|------|----------------|---------|--------|
| 3/10/2015 | 1 | Mayor's Office | Signed | |
| 3/4/2015 | 1 | City Council | Adopted | Pass |

Approving Team Ortho Foundation's request for a sound level variance in order to use a sound system for the Get Lucky Run Pre-Race Announcements on Saturday, March 14, 2015 from 8:00 a.m. to 8:45 a.m. at the Kellogg Boulevard and Wacouta Street Start.

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, Race Director, who has been designated as the responsible person on the application, has applied for a variance to present amplified Pre-Race Announcements at the Kellogg Blvd and Wacouta Street Start and the use of a sound system for announcements, for the Get Lucky Run on Saturday, March 14, 2015; and

WHEREAS, if applicant is not granted a variance it will not be able to present the amplified Pre-Race Announcements at the Kellogg Blvd and Wacouta Street Start with use of a sound system for announcements; 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 Get Lucky Run with Pre-Race Announcements at the Kellogg Blvd and Wacouta Street Start and amplification with the use of a sound system for announcements from

8:00 a.m. to 8:45 a.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 8:45 a.m. on March 14, 2015.
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 Pre-Race Announcements at the Kellogg Blvd and Wacouta Street Start and amplified with the use of a sound system for announcements, for the Get Lucky Run on Saturday, March 14, 2015 from 8:00 a.m. to 8:45 a.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