



## Legislation Details (With Text)

**File #:** RES PH 16- 338 **Version:** 1

**Type:** Resolution-Public Hearing **Status:** Passed  
**In control:** City Council  
**Final action:** 10/19/2016

**Title:** Approving the application of Team Ortho Foundation - Monster Dash for a sound level variance on Saturday, October 29, 2016 by Shepard Road between Homer and Elway Streets.

**Sponsors:** Rebecca Noecker

**Indexes:** Ward - 2

**Code sections:**

**Attachments:** 1. Application, 2. ENS, 3. Map, 4. Notice to Property Owners, 5. List of Property Owners, 6. Letter to Applicant, 7. Monster Dash public comment emails, 8. Himmelsbach email re Monster Dash SLV

Date	Ver.	Action By	Action	Result
10/21/2016	1	Mayor's Office	Signed	
10/19/2016	1	City Council	Adopted	Pass

Approving the application of Team Ortho Foundation - Monster Dash for a sound level variance on Saturday, October 29, 2016 by Shepard Road between Homer and Elway Streets.

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, at no specified sound level limit, to present outdoor amplified music and announcements by Shepard Road between Homer and Elway Streets for the 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., on Shepard road between Homer and Elway Streets with a pre-event sound check at 8:45 a.m., and

WHEREAS, if applicant is not granted a variance, applicant will not be able to present outdoor amplified music and announcements by Shepard Road between Homer and Elway Streets; 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 between Homer and Elway Streets subject to the following conditions:

1) The variance will be for the Team Ortho Foundation Monster Dash Event to present outdoor amplified music and announcements with speakers 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. by Shepard Road between Homer and Elway.

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. by Shepard Road between Homer and Elway Streets.

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, and speakers are placed angled facing Crosby Lake for the Shepard Road between Homer and Elway area.

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 and announcements, with limitations, at Shepard Road between Homer and Elway Streets 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 the Monster Dash Race 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