



## Legislation Details (With Text)

**File #:** RES PH 16- 347      **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 in order to present outdoor amplified music and announcements on Saturday, October 29, 2016 at Upper Landing Park.

**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 in order to present outdoor amplified music and announcements on Saturday, October 29, 2016 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, Monster Dash Event, represented by Marlene Earll, Director, who has been designated as the responsible person on the application, has applied for a variance, with no specified sound level limit, to present outdoor amplified music and announcements at Upper Landing Park, during a 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., with a pre-event sound check at 8:45 a.m. at Upper Landing Park, and

WHEREAS, if applicant is not granted a variance, applicant will not be able to present outdoor amplified music and microphone speaking at Upper Landing Park; 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 Upper Landing Park, subject to the following conditions:

- 1) The variance will be for the Team Ortho Foundation Monster Dash Event in order to present Music and

announcements, 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. at Upper Landing Park.

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/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. at Upper Landing Park.

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. Speakers are to be at an angle facing the river at Upper Landing Park.

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 31, 2015 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, from 9:00 a.m. until 12:30 p.m., with a pre-event sound check at 8:45 a.m. at Upper Landing Park on Saturday, October 29, 2016, during a Monster Dash 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