



## Legislation Details (With Text)

**File #:** RES PH 17- 276 **Version:** 1

**Type:** Resolution-Public Hearing **Status:** Passed

**In control:** City Council

**Final action:** 9/20/2017

**Title:** Approving the application of Twin Cities in Motion for nine sound level variances in order to present amplified sound for announcements, speakers and music on Saturday, September 30, 2017 and Sunday, October 1, 2017 during the Medtronic Twin Cities Marathon Event 2017 at the following locations: State Capitol Complex, 75 Reverend Doctor Martin Luther King Jr Boulevard; and eight other locations from Mississippi River Boulevard and Marshall Avenue east along Summit Avenue to Selby Avenue.

**Sponsors:** Russ Stark, Dai Thao, Rebecca Noecker

**Indexes:** Ward - 1, Ward - 2, Ward - 4

**Code sections:**

**Attachments:** 1. Application, 2. Map, 3. ENS-Union Park District Council, 4. ENS-Summit University Planning District, 5. ENS-CapitolRiver Council, 6. Capitol Complex.Notice to Owners, 7. Capitol Complex.List of Owners, 8. MRB & Marshall.Notice to Owners, 9. MRB & Marshall.List of Owners, 10. Summit & Cretin-Cleveland.Notice to Owners, 11. Summit & Cretin-Cleveland.List of Owners, 12. Summit & Prior-Howell.Notice to Owners, 13. Summit & Prior-Howell.List of Owners, 14. Summit & Saratoga-Fry.Notice to Owners, 15. Summit & Saratoga-Fry.List of Owners, 16. Summit & Hamline-Syndicate.Notice to Owners, 17. Summit & Hamline-Syndicate.List of Owners, 18. Summit & Lexington-Oxford.Notice to Owners, 19. Summit & Lexington-Oxford.List of Owners, 20. Summit & Dale-St Albans.Notice to Owners, 21. Summit & Dale-St Ablan.List of Owners, 22. Summit & Selby-Virginia.Notice to Owners, 23. Summit & Selby-Virginia.List of Owners, 24. TC Marathon.Letter to Applicant, 25. TC Marathon SLV public comment, 26. Sound Level Variance - Twin Cities Marathon, 27. Sound Level Variance TC Marathon Summit Ave and Dale, 28. Hill email re TC Marathon Letter, 29. Comment re SLV Twin Cities Marathon

Date	Ver.	Action By	Action	Result
9/25/2017	1	Mayor's Office	Signed	
9/20/2017	1	City Council	Adopted As Amended	Pass

Approving the application of Twin Cities in Motion for nine sound level variances in order to present amplified sound for announcements, speakers and music on Saturday, September 30, 2017 and Sunday, October 1, 2017 during the Medtronic Twin Cities Marathon Event 2017 at the following locations: State Capitol Complex, 75 Reverend Doctor Martin Luther King Jr Boulevard; and eight other locations from Mississippi River Boulevard and Marshall Avenue east along Summit Avenue to Selby Avenue.

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, Twin Cities in Motion, represented by Elizabeth Vincenty, Race Director, who has been designated as the responsible person on the application, has applied for nine (9) variances to present amplified sound for announcements, speakers and music at a requested sound level of 55 dBA to 65 dBA at

multiple locations: 75 Rev Dr. Martin Luther King Jr Boulevard, of the State Capitol Complex; Mississippi River Boulevard and Marshall Avenue; Summit Avenue and Cretin-Cleveland Avenues; Summit Avenue and Prior Avenue North-Howell Street; Summit Avenue and Saratoga Street North-Fry Street North; Summit Avenue and Hamline Avenue-Syndicate Street; Summit Avenue and Lexington Avenue-Oxford Street; Summit Avenue and Dale Street- St. Albans Street; and Summit Avenue and Selby Avenue-Virginia Street; and

WHEREAS, applicant is seeking a variance for the hours of 7:00 a.m. to 12:00 p.m., with a pre-event sound check from 6:30 a.m. until 7:00 a.m. on Saturday, September 30, 2017, and from 7:00 a.m. to 2:30 p.m., with a pre-event sound check from 6:30 a.m. until 7:00 a.m. on Sunday, October 1, 2017 at the State Capitol Complex, and from 7:00 a.m. until 2:30 p.m., with a pre-event sound check from 6:30 a.m. until 7:00 a.m. at all other locations on Sunday, October 1, 2017 for amplified sound for announcements, speakers and music during the Medtronic Twin Cities Marathon 2017 Event; and

WHEREAS, if applicant is not granted variances applicant will not be able to present announcements, speakers and music at the nine (9) specified locations; 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 Twin Cities in Motion, subject to the following conditions:

- 1) The variances will be for the Twin Cities in Motion, Medtronic Twin Cities Marathon 2017 at 75 Rev Doctor Martin Luther King Jr Boulevard, State Capitol Complex for the hours of 7:00 a.m. to 12:00 p.m., with a pre-event sound check from 6:30 a.m. to 7:00 on Saturday, September 30, 2017; and from 7:00 a.m. to 2:30 p.m., with a pre-event sound check from 6:30 a.m. until 7:00 a.m. on Sunday, October 1, 2017; and from ~~7:00~~ 7:30 a.m. until 2:30 p.m., with a pre-event sound check from ~~6:30~~ 7:15 a.m. until ~~7:00~~ 7:30 a.m. at all other eight locations on Sunday, October 1, 2017 for amplified sound for announcements, speakers and music.
- 2) All electronically powered equipment, PA systems, loudspeakers or similar devices used in conjunction with the event must not exceed 80 dBA as measured 50 feet from sound source.
- 3) The applicant will provide personnel and equipment to ensure compliance with the sound level variance conditions.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices must be turned off no later than 12:00 p.m. on Saturday, September 30, 2017 and no later than 2:30 p.m. on Sunday, October 1, 2017, the dates of the event.

FURTHER RESOLVED, that any violations of the conditions set forth above, may result in denial of any future variances, in addition to any criminal citation which may be issued.

Twin Cities in Motion, represented by Elizabeth Vincenty, Race Director, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified sound for announcements, speakers and music, from 7:00 a.m. to 12:00 p.m., with a pre-event sound check from 6:30 a.m. until 7:00 a.m. on Saturday, September 30, 2017 and from 7:00 a.m. to 2:30 p.m., with a pre-event sound check from 6:30 a.m. until 7:00 a.m. on Sunday, October 1, 2017 at the State Capitol Complex, 75 Rev Doctor Martin Luther King Jr Boulevard; and from 7:00 a.m. until 2:30 p.m., with a pre-event sound check from 6:30 a.m. until 7:00 a.m. at all other eight locations on Sunday, October 1, 2017 during the Medtronic Twin Cities Marathon 2017 Event. Chapter 293.09 provides for the granting of variances from the sound level limitation contained in Chapter 293.07.

Was proper notice given? YES - See Attachments