



## Legislation Details (With Text)

**File #:** RES PH 22- 316      **Version:** 1

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

**In control:** City Council

**Final action:** 10/19/2022

**Title:** Approving the application of Anderson Race Management for a sound level variance in order to present amplified sound on November 5, 2022 at Harriet Island - 200 Dr Justus Ohage Blvd.

**Sponsors:** Rebecca Noecker

**Indexes:** Ward - 2

**Code sections:**

**Attachments:** 1. Application, 2. ENS#1, 3. Map, 4. Owner list, 5. Notice to Owners, 6. Letter to Applicant

Date	Ver.	Action By	Action	Result
10/20/2022	1	Mayor's Office	Signed	
10/19/2022	1	City Council	Adopted	Pass

Approving the application of Anderson Race Management for a sound level variance in order to present amplified sound on November 5, 2022 at Harriet Island - 200 Dr Justus Ohage Blvd.

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, Anderson Race Management, represented by Mary Anderson, ARM owner, who has been designated as the responsible person on the application, has applied for a variance, at a requested sound level limit of 110 dBA at no specified distance from the sound source at 200 Dr Justus Ohage Blvd. - Harriet Island Regional Park, to present amplified sound; and

WHEREAS, applicant has requested a variance for the hours of 8:00 a.m. to 12:00 p.m., with a pre-event sound check from 7:45 a.m. until 8:00 a.m. on November 5, 2022 for the Chocoholic Frolic 5k/10k/Kids K event; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified sound at Harriet Island - 200 Dr Justus Ohage Blvd; 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 Anderson Race Management for the Chocoholic Frolic 5K-10K-Kids K event at Harriet Island - 200 Dr Justus Ohage Blvd, subject to the following conditions:

- 1) The Variance shall be for the hours of 8:00 a.m. to 12:00 p.m., with a pre-event sound check from 7:45 a.m.

until 8:00 a.m. on Saturday, November 5, 2022.

- 2) All electronically powered equipment used in conjunction with the event shall not exceed 90 dBA as measured at 50 feet from all sound sources.
- 3) The applicant shall provide personnel and equipment who shall provide continuous sound level monitoring at each sound mix during the hours of the variance.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 12:00 p.m. November 5, 2022, the event date.

FURTHER RESOLVED, that any violations of the conditions set forth above on the November 5, 2022 date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Anderson Race Management, represented by Mary Anderson, ARM owner, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified sound, with limitations, from 8:00 a.m. until 12:00 p.m., with a pre-event sound check from 7:45 a.m. until 8:00 a.m. on November 5, 2022 at Harriet Island - 200 Dr Justus Ohage Blvd. 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