



## Legislation Text

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**File #:** RES PH 13-30, **Version:** 1

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Approving the application of the Department of Public Works for a sound level variance in order to operate boilers and generators for a sewer lining project on Marshall Avenue between Cretin Avenue and Moore Street, for 24 hours a day for an unspecified 20 day time period from February 25, 2013 to April 12, 2013.

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, City of Saint Paul, Public Works, represented by Aaron Hass, Civil Engineer, who has been designated as the responsible person on the application, has applied for a variance to operate boilers and generators for a sewer lining project on Marshall Avenue between Cretin and Moore for 24 hours a day for an unspecified 20 day time period from February 25, 2013 to April 12, 2013; and

WHEREAS, in order to meet required completion dates and to minimize disruption to businesses, the public and adjoining property owners, the applicant is seeking a variance from February 25, 2013 to April 12, 2013 on Marshall Avenue between Cretin and Moore; and

WHEREAS, if applicant is not granted a variance, it will not be able to operate general construction/demolition equipment and domestic power tools to do the needed repair work on Marshall Avenue between Cretin and Moore; and

WHEREAS, the Department of Safety and Inspections (DSI) 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 the City of Saint Paul, Public Works, subject to the following conditions:

- 1) The variance shall be for a 20 day time period from February 25, 2013 to April 12, 2013.
- 2) Saint Paul Public Works shall take all practical steps available to minimize the noise levels during this period which do not otherwise unduly hinder the project or unreasonably increase the costs of the project.

FURTHER RESOLVED, that any violations of the conditions set above may result in the cancellation of the variance for any remaining dates and in the denial of future requests for the grant of a sound level variance, in addition to any criminal citation which might issue.

Saint Paul Public Works, represented by Aaron Hass, Civil Engineer, has requested an exemption from the sound level limitations in Chapter 293.07 in order to operate boilers and generators for a sewer lining project on Marshall Avenue between Cretin and Moore for 24 hours a day for an unspecified 20 day time period from February 25, 2013 to April 12, 2013. 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