



Legislation Text

File #: RES PH 14-292, **Version:** 1

Approving the application of Team Ortho Foundation for a sound level variance in order to allow the use of a mobile stage, DJ, and speakers from 7:30 a.m. to 8:30 a.m. at Cathedral Hill Park; and to allow the use of speakers from 8:00 a.m. to 9:00 a.m. on Summit Avenue, from 400 feet east of Nina to Selby, for the Monster Dash 2014 Pre-Race Gathering and Race Start on October 25, 2014.

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, represented by Jackie Johnson, Race Director, who has been designated as the responsible person on the application, has applied for a variance to allow the use of a Mobile Stage, DJ and Speakers from 7:30 a.m. to 8:30 a.m. at Cathedral Hill Park and from 8:00 a.m. to 9:00 a.m. for use of Speakers on Summit Avenue 400 Feet East of Nina to Selby for the Monster Dash 2014 Pre-Race Gathering and Race Start on October 25, 2014; and

WHEREAS, if applicant is not granted a variance it will not be able to use a Mobile Stage, DJ and use of Speakers for the Monster Dash 2014 Pre-Race Gathering and Race Start; 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 the Team Ortho Foundation, subject to the following conditions:

- 1) The variance shall be for the hours of 7:30 a.m. until 8:30 a.m. at Cathedral Hill Park and from 8:00 a.m. to 9:00 a.m. on Summit Avenue, 400 Feet East of Nina to Selby on October 25, 2014.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 80 dBA, as measured 50 feet from the sound source from 7:30 a.m. - 9:00 a.m.
- 3) The applicant shall provide personnel and equipment who shall provide continuous sound level monitoring during the event.
- 4) All PA systems, loudspeakers or similar devices shall be turned off no later than 9:00 a.m. on October 25, 2014.

FURTHER RESOLVED, that any violations of the conditions set forth above on the October 25, 2014 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, represented by Jackie Johnson, Race Director, has requested an exemption from the

sound level limitations in Chapter 293.07 in order to allow the use of a Mobile Stage, DJ and use of Speakers from 7:30 a.m. to 8:30 a.m. at Cathedral Hill Park and for use of Speakers from 8:00 a.m. to 9:00 a.m. on Summit Avenue 400 Feet East of Nina to Selby for the Pre-Race Gathering and Monster Dash Race Start on October 25, 2014. 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