Legislation Text

File #: RES PH 15-223, **Version:** 1

Approving the application of Team Ortho Foundation, Women ROCK Event for a sound level variance in order to present outdoor music and announcements on Saturday, August 29, 2015 at Upper Landing Park, Shepard Road between Washington Street and Jackson Street.

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, Women ROCK Race Event, represented by Jackie Johnson, Women ROCK Event Director, who has been designated as the responsible person on the application, has applied for a variance, with a requested sound level of 85-90 dBA or acceptable range, to present outdoor music and microphone speaking at Upper Landing Park, Shepard Road between Washington Street and Jackson Street, during a Women ROCK Event; and

WHEREAS, applicant is seeking a variance for Saturday, August 29, 2015 from 7:00 a.m. until 1:30 p.m., with a pre-event sound check at 7:00 a.m. at Upper Landing Park, Shepard Road between Washington Street and Jackson Street, and

WHEREAS, if applicant is not granted a variance, applicant will not be able to present outdoor music and microphone speaking at the Upper Landing Park, Shepard Road between Washington Street and Jackson Street; 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 Jackie Johnson and Team Ortho Foundation, for Upper Landing Park, Shepard Road between Washington Street and Jackson Street subject to the following conditions:

1) The variance will be for the Team Ortho Foundation Women ROCK Event in order to present pre-race and post-race announcements, DJ and Band Production on August 29, 2015 from 7:00 a.m. until 1:30 p.m., with a pre-event sound check at 7:00 a.m.

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 7:00 a.m. until 1:30 p.m., with a pre-event sound check at 7:00 a.m.

3) The applicant shall provide personnel and equipment to ensure compliance with the variance conditions.
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4) Speakers and stage must be directed away from residential use properties. Speakers are to be placed at the Eastern most end of the park over 600 feet away from businesses/residential.

5) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 1:30 p.m.

FURTHER RESOLVED, that any violations of the conditions set forth above on the August 30, 2014 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, Women ROCK Event, represented by Jackie Johnson, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present outdoor music and announcements, with limitations, at Upper Landing Park on Shepard Road between Washington Street and Jackson Street from 7:00 a.m. to 1:30 p.m., with a pre-event sound check at 7:00 a.m. on Saturday, August 29, 2015, during a Women ROCK Race 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