



Legislation Text

File #: RES PH 15-303, **Version:** 1

Approving the application of Mark Bongers, owner and race director for Final Stretch Inc., for a sound level variance in order to present announcements and music on Sunday, November 8, 2015 for the Chocoholic Frolic 5K/10K Run and Walk at Harriet Island.

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, Final Stretch Inc., Chocoholic Frolic 5k/10K Run and Walk, represented by Mark Bongers, who has been designated as the responsible person on the application, has applied for a variance to present announcements and music at Harriet Island; and

WHEREAS, applicant is seeking a variance for the hours of 8:30 a.m. to 12:00 p.m. on November 8, 2015 during the Chocoholic Frolic 5K/10K Run and Walk; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified music at Harriet Island; and

RESOLVED, that the Council of the City of Saint Paul hereby grants a variance to Final Stretch Inc. Chocoholic Frolic 5K/10K Run and Walk, subject to the following conditions:

- 1) The variance shall be for the hours of 8:30 a.m. to 12:00 p.m. on November 8, 2015.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 85 dBA as measured at 50 feet from the sound source.
- 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. on the event date.

FURTHER RESOLVED, that any violations of the conditions set forth above on the November 8, 2015 date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Final Stretch Inc. Chocoholic Frolic 5K/10K Run and Walk, represented by Mark Bongers, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present announcements and music, with limitations, from 8:30 a.m. until 12:00 p.m. on November 8, 2015 during the Chocoholic Frolic 5K/10K Run and Walk. 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