



## Legislation Text

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**File #:** RES PH 15-314, **Version:** 1

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Approving the application of Team Ortho Foundation, Monster Dash Event for a sound level variance in order to present outdoor music, announcements and use of a mobile DJ sound system on Saturday, October 31, 2015 on Shepard Road, Washington to Eagle, Eagle Pkwy, Shepard to Chestnut, and at Upper Landing Park.

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, Monster Dash Event, represented by John W. Larson, Executive and Race Event Director, who has been designated as the responsible person on the application, has applied for a variance, with a requested sound level of 80 dBA at 50 feet, to present outdoor music, announcements and use of a mobile DJ sound system on Shepard Road, Washington to Eagle, Eagle Pkwy, Shepard to Chestnut and at Upper Landing Park, during a Monster Dash Event; and

WHEREAS, applicant is seeking a variance for Saturday, October 31, 2015 from 9:00 a.m. until 12:30 p.m., with a pre-event sound check at 8:45 a.m. on Shepard Road, Washington to Eagle, from 8:00 a.m. until 12:30 p.m., with a pre-event sound check at 7:45 a.m. on Eagle Pkwy, Shepard to Chestnut, and from 8:00 a.m. until 2:30 p.m., with a pre-event sound check at 7:45 a.m. at Upper Landing Park, and

WHEREAS, if applicant is not granted a variance, applicant will not be able to present outdoor music and microphone speaking at the Shepard Road, Eagle Pkwy and Upper Landing Park Areas; 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 John W. Larson and Team Ortho Foundation, for Shepard Road, Washington to Eagle, Eagle Pkwy, Shepard to Chestnut and at Upper Landing Park, subject to the following conditions:

- 1) The variance will be for the Team Ortho Foundation Monster Dash Event in order to present Music and announcements, with a DJ on October 31, 2015 from 9:00 a.m. until 12:30 p.m., with a pre-event sound check at 8:45 a.m. on Shepard Road, Washington to Eagle, from 8:00 a.m. until 12:30 p.m. with a pre-event sound check at 7:45 a.m. on Eagle Pkwy, Shepard to Chestnut, and from 8:00 a.m. until 2:30 p.m., with a pre-event sound check at 7:45 a.m. at Upper Landing Park.
- 2) All electronically powered equipment, PA systems, loudspeakers or similar devices used in conjunction with the event will not exceed 80 dBA as measured 50 feet from any stage or sound source used for music and/or announcements between the hours of 9:00 a.m. until 12:30 p.m., with a pre-event sound check at 8:45 a.m. on Shepard Road, Washington to Eagle, from 8:00 a.m. until 12:30 p.m. with a pre-event sound check at 7:45 a.m. on Eagle Pkwy, Shepard to Chestnut, and from 8:00 a.m. until 2:30 p.m., with a pre-event sound check at 7:45 a.m. at Upper Landing Park.

- 3) The applicant shall provide personnel and equipment to ensure compliance with the variance conditions.
- 4) Speakers and stage must be directed away from residential use properties. Speakers are to face the railroad tracks by the Shepard Road, Washington to Eagle Area; speakers are to face the street and Science Museum for Eagle Pkwy, Shepard to Chestnut Area, and stage will be at least 600 feet from the residential area at Upper Landing Park.
- 5) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 2:30 p.m.

FURTHER RESOLVED, that any violations of the conditions set forth above on the October 31, 2015 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, Monster Dash Event, represented by John W. Larson, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present outdoor music, announcements, and mobile DJ, with limitations, on Shepard Road, Washington to Eagle, 9:00 a.m. until 12:30 p.m., with a pre-event sound check at 8:45 a.m., from 8:00 a.m. until 12:30 p.m. , with a pre-event sound check at 7:45 a.m. for Eagle Pkwy, Shepard to Chestnut, and from 8:00 a.m. until 2:30 p.m., with a pre-event sound check at 7:45 a.m. at Upper Landing Park on Saturday, October 31, 2015, during a Monster Dash 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