



## Legislation Text

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**File #:** RES PH 16-47, **Version:** 1

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Approving the application of Team Ortho Foundation for a sound level variance in order to present announcements along Sibley Street from Kellogg Boulevard to Shepard Road, with use of a sound system, for the Get Lucky Run on Saturday, March 12, 2016.

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 Marlene Earll, Race Director, who has been designated as the responsible person on the application, has applied for a variance to present amplified announcements along Sibley Street from Kellogg Blvd to Shepard Road with the use of a sound system, for the Get Lucky Run on Saturday, March 12, 2016; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present the amplified announcements at the Sibley Street from Kellogg Blvd to Shepard Road site with use of a sound system for announcements; 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 sound level variance to Team Ortho Foundation, subject to the following conditions:

- 1) The variance will be for the Get Lucky Run announcements along Sibley Street from Kellogg Blvd to Shepard Road with the use of a sound system for announcements from 8:00 a.m. to 12:30 p.m.
- 2) All electronically powered equipment, PA system, loudspeaker or any similar device used in conjunction with the event, will not exceed 80 dBA, as measured 50 feet from any stage or sound source.
- 3) The applicant shall provide personnel and equipment to ensure compliance with the variance conditions.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices will be turned off by 12:30 p.m. on March 12, 2016.
- 5) A copy of this sound level variance must be maintained at the event location and be available for review by the City of Saint Paul Police or inspection personnel.

FURTHER RESOLVED, that any violations of the conditions set forth above on any of the dates may result in revocation of the grant of a variance for the subsequent date(s), in addition to any criminal citation which might issue.

Team Ortho Foundation, represented by Marlene Earll, Race Director, has requested an exemption from the

sound level limitations in Chapter 293.07 in order to provide announcements along Sibley Street from Kellogg Blvd to Shepard Road with the use of a sound system, for the Get Lucky Run on Saturday, March 12, 2016 from 8:00 a.m. to 12:30 p.m. 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