



## Legislation Text

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**File #:** RES PH 16-121, **Version:** 1

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Approving the application of Uptempo Races for a sound level variance in order to present announcements and amplified music on Saturday, May 21, 2016 during the Fast & The Furry at Kelly's Landing, 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, Uptempo Races, represented by Mark Kuhn, Owner, who has been designated as the responsible person on the application, has applied for a variance, with a requested sound level limit of 90-100 decibels (dBA) at 50 feet to present announcements and amplified music at Kelly's Landing, Harriet Island; and

WHEREAS, applicant is seeking a variance for the hours of 8:00 a.m. to 12:00 p.m. on Saturday, May 21, 2016, during the Fast & The Furry at Kelly's Landing, Harriet Island; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present announcements and amplified music at Kelly's Landing, Harriet Island; 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 Uptempo Races, subject to the following conditions:

- 1) The variance shall be for the hours of 8:00 a.m. to 12:00 p.m. on Saturday, May 21, 2016.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 90 dBA as measured 50 feet from sound source.
- 3) The applicant shall provide personnel and equipment to ensure compliance with the sound level variance conditions. The applicant may need to provide a barrier, to act as a sound absorber to contain excess sound from leaving the area.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 12:00 p.m. on the date of the event.

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

Uptempo Races, represented by Mark Kuhn, Owner, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present announcements and amplified music, with limitations, from

8:00 a.m. to 12:00 p.m., on Saturday, May 21, 2016, during the Fast & The Furry at Kelly's Landing, Harriet Island. 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