



Legislation Text

File #: RES PH 16-262, **Version:** 1

Approving the application of Team Ortho Foundation, Women Rock MN Race, for a sound level variance in order to present outdoor music and announcements on Saturday, August 27, 2016 on Shepard Road between Eagle Street and Washington 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 MN Race Event, represented by Marlene Earll, Women Rock MN Event Director, who has been designated as the responsible person on the application, has applied for a variance, at no specified sound level limit, to present Race Start and Finish announcements and a vocalist to sing the National Anthem on Shepard Road between Eagle Street and Washington Street, during a Women Rock MN Event; and

WHEREAS, applicant is seeking a variance for Saturday, August 27, 2016 from 8:00 a.m. until 1:00 p.m., with a pre-event sound check at 7:45 a.m. on Shepard Road between Eagle Street and Washington Street, and

WHEREAS, if applicant is not granted a variance, applicant will not be able to present outdoor Race Start and Finish announcements and a vocalist to sing the National Anthem on Shepard Road between Eagle Street and Washington 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 Marlene Earll and Team Ortho Foundation, for Shepard Road between Eagle Street and Washington Street subject to the following conditions:

- 1) The variance will be for the Team Ortho Foundation Women Rock MN Event in order to present pre-race and post-race announcements and a vocalist to sing the National Anthem on August 27, 2016 from 8:00 a.m. until 1:00 p.m., with a pre-event sound check at 7:45 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 8:00 a.m. until 1:00 p.m., with a pre-event sound check at 7:45 a.m.
- 3) The applicant shall provide personnel and equipment to ensure compliance with the variance conditions.
- 4) Speakers must be directed away from residential use properties. Speakers are to be placed so they are directed towards the Downtown part of the City.

5) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 1:00 p.m.

FURTHER RESOLVED, that any violations of the conditions set forth above on the August 27, 2016 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 Marlene Earll, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present outdoor music and announcements, with limitations, on Shepard Road between Eagle Street and Washington Street from 8:00 a.m. to 1:00 p.m., with a pre-event sound check at 7:45 a.m. on Saturday, August 27, 2016, during a Women Rock MN 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