



Legislation Text

File #: RES PH 17-45, **Version:** 1

Approving the applications of Team Ortho Foundation for sound level variances to present amplified sound at seven (7) locations along the Get Lucky Run race route during the Get Lucky Run on Saturday, March 11, 2017.

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 seven (7) sound level variances to present amplified sound along the Get Lucky Run race route, namely, CHS Field, 360 N. Broadway Street, Jackson and Shepard, Ontario and Shepard, Randolph and Shepard, Otto and Shepard, West of Otto and 400 Feet prior to the 35E underpass on Shepard, and Alton and Shepard Road with the use of a sound system, for the Get Lucky Run on Saturday, March 11, 2017; and

WHEREAS, if applicant is not granted the variances, applicant will not be able to present amplified sound at seven (7) locations along the Get Lucky Run race route namely, CHS Field, 360 N. Broadway Street, Jackson and Shepard, Ontario and Shepard, Randolph and Shepard, Otto and Shepard, West of Otto and 400 Feet prior to the 35E underpass on Shepard, and Alton and Shepard: 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 Get Lucky Run announcements and music along the race route at the following seven (7) specified locations, CHS Field, 360 N. Broadway Street, Jackson and Shepard, Ontario and Shepard, Randolph and Shepard, Otto and Shepard, West of Otto and 400 Feet prior to the 35E underpass on Shepard, and Alton and Shepard Road with the use of a sound system from 8:00 a.m. to 1:30 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 1:30 p.m. on March 11, 2017.

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 amplified music and announcements at seven (7) locations along the Get Lucky Run race route, namely, CHS Field, 360 N. Broadway Street, Jackson and Shepard, Ontario and Shepard, Randolph and Shepard, Otto and Shepard, West of Otto and 400 Feet prior to the 35E underpass on Shepard, and Alton and Shepard Road with the use of a sound system, for the Get Lucky Run on Saturday, March 11, 2017 from 8:00 a.m. to 1:30 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