Legislation Text

File #: RES PH 18-185, **Version:** 1

Approving the application of Podium Sports Marketing for a sound level variance to present announcements and music at the start of the event and at the finish line for the Minnesota Half Marathon on Saturday, August 4, 2018

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, Podium Sports Marketing, represented by Isaac Milkey, Operations Manager, who has been designated as the responsible person on the application, has applied for a variance at a requested sound level limit of 85 dBA at no specified distance, from 6:45 a.m. until 10:30 a.m., with a pre-event sound check at 6:30 a.m., to present announcements and music for the Start of the event, at Shepard Road and Eagle Parkway, and amplified music and announcements at the Finish of the event, at the far east end of Upper Landing Park at Shepard Road west of Ontario Street, for the Minnesota Half Marathon on Saturday, August 4, 2018; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present announcements and music at the start of the event (Shepard Road at Eagle Parkway) and amplified music and announcements at the finish line (Upper Landing Park-Shepard Road west of Ontario Street) for the Minnesota Half Marathon; 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 Podium Sports Marketing, subject to the following conditions:

1) The variance will be for the Minnesota Half Marathon located at Shepard Road at Eagle Parkway for the event Start and amplified music and announcements at the east end of Upper Landing Park-Shepard Road just west of Ontario Street for the event Finish on August 4, 2018 from 6:45 a.m. to 10:30 a.m., with a pre-event sound check at 6:45 a.m.

2) All electronically powered equipment, PA system, loudspeaker or any similar device used in conjunction with the event, will not exceed 85 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 10:30 a.m. on August 4, 2018.

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.

Podium Sports Marketing, represented by Isaac Milkey, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present announcements and music at the start of the event (Shepard Road at Eagle Parkway) and amplified music and announcements at the finish line (Upper Landing Park-Shepard Road west of Ontario Street) for the Minnesota Half Marathon on Saturday, August 4, 2018 from 6:45 a.m. to 10:30 a.m., with pre-event sound check at 6:30 a.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