Legislation Text

File #: RES PH 18-257, **Version:** 1

Approving the application of Flannel Athletics for a sound level variance to present amplified music and announcements for the Minnesota Wild Breakaway Run at 199 Kellogg Boulevard West on Saturday, September 15, 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, Flannel Athletics, represented by Charlie Wasley, Owner, has applied for a variance, at a requested sound level limit of 90 dBA at no specified distance, to present amplified music and announcements with a DJ at 199 Kellogg Blvd West for the Start and Finish Line for the Minnesota Wild Breakaway Run on Saturday, September 15, 2018; and

WHEREAS, if applicant is not granted a variance, applicant will not be able to present the amplified music or announcements with a DJ at 199 Kellogg Blvd West for the Start and Finish Line; 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 Flannel Athletics, subject to the following conditions:

1. The variance will be for the Minnesota Wild Breakaway Run on Saturday, September 15, 2018 with amplified music and announcements with a DJ at 199 Kellogg Blvd West for the Start and Finish Line from 7:00 a.m. to 10:00 a.m., with a pre-event sound check at 7:00 a.m.

2. All electronically powered equipment, PA system, loudspeaker or any similar device used in conjunction with the event, will not exceed 90 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 10:00 a.m. on September 15, 2018.

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.

Flannel Athletics has requested an exemption from the sound level limitations in Chapter 293.07 in order to

present amplified music and announcements with a DJ at 199 Kellogg Blvd West for the Start and Finish Line for the Minnesota Wild Breakaway Run on Saturday, September 15, 2018 from 7:00 a.m. to 10:00 a.m., with a pre-event sound check at 7:00 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