Legislation Text

File #: RES PH 18-290, **Version:** 1

Approving the application of Twin Cities in Motion for sound level variances to use amplified sound for announcements, speakers, and music on Saturday, October 6 and Sunday, October 7, 2018 at nine locations during the Medtronic Twin Cities Marathon.

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, Twin Cities in Motion, represented by Elizabeth Vincenty, Race Director, has applied for nine (9) variances to present amplified sound for announcements, speakers and music at a requested sound level of up to 85 decibels (dBA) at no specified distance at multiple locations: 75 Rev Dr. Martin Luther King Jr Boulevard, of the State Capitol Complex; Mississippi River Boulevard and Eustis Street-Marshall Avenue; Summit Avenue and Cretin-Cleveland Avenues; Summit Avenue and Moore Street-Howell Street; Summit Avenue and Saratoga Street North-Pascal Street; Summit Avenue and Hamline Avenue-Syndicate Street; Summit Avenue and Lexington Avenue-Oxford Street; Summit Avenue and Chatsworth Street-Milton Street; and Summit Avenue and Nina Street-Selby Avenue; and

WHEREAS, applicant is seeking a variance for the hours of 7:00 a.m. to 12:00 p.m., with a pre-event sound check from 6:30 a.m. until 7:00 a.m. on Saturday, October 6, 2018, and from 7:00 a.m. to 2:30 p.m., with a pre-event sound check from 6:30 a.m. until 7:00 a.m. on Sunday, October 7, 2018 at the State Capitol Complex, and from 7:30 a.m. until 2:30 p.m., with a pre-event sound check from 7:15 a.m. until 7:30 a.m. at all other locations on Sunday, October 7, 2018 for amplified sound for announcements, speakers and music during the Medtronic Twin Cities Marathon; and

WHEREAS, if applicant is not granted variances applicant will not be able to present announcements, speakers and music at the nine (9) specified locations; 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 Twin Cities in Motion, subject to the following conditions:

1) The Variances will be for the Twin Cities in Motion, Medtronic Twin Cities Marathon at 75 Rev Doctor Martin Luther King Jr Boulevard, State Capitol Complex for the hours of 7:30 a.m. to 12:00 p.m., with a pre-event sound check from 7:15 a.m. to 7:30 a.m. on Saturday, October 6, and from 7:30 a.m. to 2:30 p.m., with a pre-event sound check from 7:15 a.m. until 7:30 a.m. on Sunday, October 7 2018; and from 7:30 a.m. until 2:30 p.m., with a pre-event sound check from 7:15 a.m. until 7:30 a.m. at all other eight locations on Sunday, October 7, 2018 for amplified sound for announcements, speakers and music.

2) All electronically powered equipment, PA systems, loudspeakers or similar devices used in conjunction with the event must not exceed 85 dBA at 50 feet at the State Capitol Complex and must not exceed 80 dBA as

measured 50 feet from the sound source at all other eight locations.

3) The applicant will provide personnel and equipment to ensure compliance with the sound level variance conditions.

4) All electronically powered equipment, PA systems, loudspeakers or similar devices must be turned off no later than 12:00 p.m. on Saturday, October 6 and 2:30 p.m. on Sunday, October 7, 2018, the dates of the event.

FURTHER RESOLVED, that any violations of the conditions set forth above, may result in denial of any future variances, in addition to any criminal citation which may be issued.

Twin Cities in Motion, represented by Elizabeth Vincenty, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified sound for announcements, speakers and music, from 7:00 a.m. to 12:00 p.m., with a pre-event sound check from 6:30 a.m. until 7:00 a.m. on Saturday, October 6, 2018 and from 7:00 a.m. to 2:30 p.m., with a pre-event sound check from 6:30 a.m. until 7:00 a.m. on Sunday, October 7, 2018 at the State Capitol Complex, 75 Rev Doctor Martin Luther King Jr Boulevard; and from 7:30 a.m. until 2:30 p.m., with a pre-event sound check from 7:15 a.m. until 7:30 a.m. at all other eight locations on Sunday, October 7, 2018 during the Medtronic Twin Cities Marathon. Chapter 293.09 provides for the granting of variances from the sound level limitation contained in Chapter 293.07.

Was proper notice given? YES - See Attachments