



## Legislation Text

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**File #:** RES PH 22-267, **Version:** 1

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Approving the application of Twin Cities in Motion for eleven (11) sound level variances in order to present amplified sound for announcements, speakers and music on October 1 and 2, 2022 during the Medtronic Twin Cities Marathon at the State Capitol Complex, 75 Rev Doctor Martin Luther King Jr Boulevard and on Sunday October 2, 2022 for ten (10) other locations: from Mississippi River Boulevard and Marshall east along Summit Avenue to Selby Avenue and State Capitol.

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 Sam Rush, Event Operations Manager, has applied for eleven (11) 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 for Saturday, October 1, 2022 and Sunday, October 2, 2022; other Non-State Capitol sites for Sunday, October 2, 2022, including Mississippi River Blvd from Eustis St to Marshall Avenue, Mississippi River Blvd from Exeter Pl to Cretin, Summit Avenue from Cretin Avenue to Wilder Street, Summit Avenue from Moore St to Howell St, Summit Avenue from Saratoga St. to Albert St., Summit Avenue from Hamline Avenue to Syndicate St., Summit Avenue from Lexington Pkwy to Oxford St., Summit Avenue from Chatsworth St. to Victoria St., Summit Avenue from Mackubin St. to Portland Avenue, Summit Avenue from Nina St. to Selby Avenue; and

WHEREAS, applicant is seeking a variance for the hours of 7:00 a.m. until 12:00 p.m., with a pre-event sound check from 6:30 a.m. until 7:00 a.m. on Saturday, October 1, 2022, and 7:30 a.m. until 2:30 p.m. on Sunday, October 2, 2022, with a pre-event sound check from 7:15 a.m. until 7:30 a.m. at the State Capitol Complex; for the other ten (10) locations for amplified sound on Sunday, October 2, 2022, 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. 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 eleven (11) 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 7:00 a.m. until 12:00 p.m. on Saturday, October 1, 2022, and 7:30 a.m. until 2:30 p.m. on Sunday, October 2, 2022 at the State Capitol Complex, with pre-event sound checks from 7:00 a.m. to 7:15 a.m. on Saturday, October 1, 2022 and from 7:15 a.m. until 7:30 a.m. on Sunday, October 2, 2022; for the other ten (10) locations for amplified sound on Sunday, October

2, 2022, 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. 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 as measured 50 feet from the sound source at the State Capitol Complex and must not exceed 80 dBA as measured 50 feet from the sound source at all other ten 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 1, 2022 and no later than 2:30 p.m. on Sunday, October 2, 2022, 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.

FURTHER RESOLVED, that any violations of the conditions set forth above on the October 2, 2022 date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Twin Cities in Motion, represented by Sam Rush, Event Operations Manager, 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. until 12:00 p.m. on Saturday, October 1, 2022 and from 7:30 a.m. until 2:30 p.m., with pre-event sound checks from 6:30 a.m. until 7:00 a.m. on Saturday, October 1, 2022 and from 7:15 a.m. until 7:30 a.m. on Sunday, October 2, 2022 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. on Sunday, October 2, 2022 at all other ten locations 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