



Legislation Text

File #: RES PH 24-260, **Version:** 1

Approving the application of Anderson Race Management for a sound level variance in order to present amplified sound on November 2, 2024 at Harriet Island - 200 Dr Justus Ohage Blvd.

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, Anderson Race Management, represented by Jennifer Williams, ARM Director of Events, who has been designated as the responsible person on the application, has applied for a variance, at a requested sound level limit of 100 dBA at no specified distance from the sound source at 200 Dr Justus Ohage Blvd. - Harriet Island Regional Park, to present amplified sound; and

WHEREAS, applicant has requested a variance for the hours of 8:00 a.m. to 12:00 p.m., with a pre-event sound check at 7:45 a.m. on November 2, 2024 for the Chocoholic Frolic 5k/10k/Kids K event; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified sound at Harriet Island - 200 Dr Justus Ohage Blvd; 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 Anderson Race Management for the Chocoholic Frolic 5K-10K-Kids K event at Harriet Island - 200 Dr Justus Ohage Blvd, subject to the following conditions:

- 1) The Variance shall be for the hours of 8:00 a.m. to 12:00 p.m., with a pre-event sound check from 7:45 a.m. until 8:00 a.m. on Saturday, November 2, 2024, for the Chocoholic Frolic 10k, 5k, KidsK event, at Harriet Island - 200 Dr Justus Ohage Blvd.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 90 dBA as measured at 50 feet from all sound sources on November 2, 2024.
- 3) The applicant shall monitor the decibel level from the variance approved distance of each noise source and create a report that records the general operating decibel levels within 15 minutes of the start of each performing act and at intervals no greater than 60 minutes apart thereafter. The report shall be made available for viewing by city staff, upon request during the variance or within 30 days thereafter. Applicant shall also conduct a decibel reading during the variance upon request of city staff.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 12:00 p.m. November 2, 2024.

FURTHER RESOLVED, that any violations of the conditions set forth above on the November 2, 2024 date

may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Anderson Race Management, represented by Jennifer Williams, ARM Director of Events, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified sound, with limitations, from 8:00 a.m. until 12:00 p.m., with a pre-event sound check from 7:45 a.m. until 8:00 a.m. on November 2, 2024 at Harriet Island - 200 Dr Justus Ohage Blvd. 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