



## Legislation Text

**File #:** RES PH 12-90, **Version:** 2

Approving the application of Frank LoPresti for a sound level variance in order to present an outdoor music concert on June 22, 23, & 24, 2012 during the Live Nation at Harriet Island.

### **AMENDED 4/04/12**

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, Frank LoPresti, Festival Director, who has been designated as the responsible person on the application, has applied for a variance to present an outdoor music concert at Harriet Island; and

WHEREAS, applicant is seeking a variance for the hours of 8:00 a.m. to 10:00 p.m. on June 22, 2012, and from 8:00 a.m. to 10:30 p.m. on June 23 & 24, 2012 during the Live Nation; and

WHEREAS, if applicant is not granted a variance it will not be able to present an outdoor music concert at Harriet Island; 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 Live Nation, subject to the following conditions:

- 1) The variance shall be for the hours of 8:00 a.m. to 10:00 p.m. on June 22, 2012 and from 8:00 a.m. to 10:30 p.m. on June 23 & 24, 2012.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed ~~400~~ 102 dBA at sound mix from 8:00 a.m. to 10 p.m. and 95 dBA at sound mix from 10:00 p.m. to 10:30 p.m.
- 3) The applicant shall provide personnel and equipment who shall provide continuous sound level monitoring at each sound mix during the hours of the variance.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 10:30 p.m. on the event dates.

FURTHER RESOLVED, that any violations of the conditions set forth above on the first date may result in revocation of the grant of a variance for the subsequent date, in addition to any criminal citation which might issue.

Live Nation, represented by Frank LoPresti, Festival Director, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present an outdoor music concert, with limitations, from 8:00 a.m. until 10:00 p.m. on June 22, 2012 and from 8:00 a.m. to 10:30 p.m. on June 23 & 24, 2012 during the Live Nation. 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