



Legislation Details (With Text)

File #: RES PH 12- 121 **Version:** 1
Type: Resolution-Public Hearing **Status:** Passed
In control: City Council
Final action: 5/2/2012

Title: Approving the application of the CapitolRiver Council for a sound level variance in order to present amplified music for concerts from 6:00 p.m. until 9:00 p.m. on June 7, 14, 21, 28, and July 12, 2012 and present amplified music for concerts followed by movies from 9:00 p.m. until 11:00 p.m. on July 19, 26 August 2, 9, 16, 23 & 30, 2012, in Mears Park.

Sponsors: Dave Thune

Indexes:

Code sections:

Attachments: 1. Music in Mears SLV Application.pdf, 2. Music in Mears ENS.pdf, 3. Music in Mears Applicant Notification Letter.pdf, 4. Music in Mears District Council 17 Notification Letterpdf.pdf, 5. Music in Mears Circle Map.pdf, 6. Music in Mears Property Owner List.pdf, 7. Music in Mears Property Owner Example.pdf

Date	Ver.	Action By	Action	Result
5/7/2012	1	Mayor's Office	Signed	
5/2/2012	1	City Council	Adopted	Pass

Approving the application of the CapitolRiver Council for a sound level variance in order to present amplified music for concerts from 6:00 p.m. until 9:00 p.m. on June 7, 14, 21, 28, and July 12, 2012 and present amplified music for concerts followed by movies from 9:00 p.m. until 11:00 p.m. on July 19, 26 August 2, 9, 16, 23 & 30, 2012, in Mears Park.

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, the CapitolRiver Council, represented by Brian Horst, Event Manager, who has been designated as the responsible person on the application, has applied for a variance to present amplified music for concerts from 6:00 p.m. until 9:00 p.m. on June 7, 14, 21, 28, and July 12, 2012 and present amplified music for concerts followed by movies from 9:00 p.m. until 11:00 p.m. on July 19, 26 August 2, 9, 16, 23 & 30, 2012, in Mears Park; and

WHEREAS, applicant is seeking a variance for the hours of 6:00 p.m. until 9:00 p.m. on June 7, 14, 21, 28, and July 12, 2012 and concerts followed by movies from 9:00 p.m. until 11:00 p.m. on July 19, 26 August 2, 9, 16, 23 & 30, 2012; and

WHEREAS, if applicant is not granted a variance it will not be able to present the amplified music and show movies in Mears Park; 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 the CapitolRiver Council, subject to the following conditions:

- 1) The variance shall be for the hours from 6:00 p.m. until 9:00 p.m. on Thursdays - June 7, 14, 21, 28, and July 12, 2012 and for concerts followed by movies from 9:00 p.m. until 11:00 p.m. on Thursdays - July 19, 26 August 2, 9, 16, 23 & 30, 2012.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 85 dBA, as measured at 50 feet from the noise source from 6:00 p.m. until 9:00 p.m., and 75 dBA as measured at 50 feet from the noise source from 9:00 p.m. until 11:00 p.m.
- 3) The applicant shall provide personnel and equipment who shall provide continuous sound level monitoring at the stage and 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 9:00 p.m. on June 7, 14, 21, 28, and July 12, 2012 and no later than 11:00 p.m. on July 19, 26 August 2, 9, 16, 23 & 30, 2012.

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.

The CapitolRiver Council, represented by Brian Horst, Event Manager, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified music for concerts from 6:00 p.m. until 9:00 p.m. on June 7, 14, 21, 28, and July 12, 2012 and concerts followed by movies from 9:00 p.m. until 11:00 p.m. on July 19, 26 August 2, 9, 16, 23 & 30, 2012, in Mears Park. 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