

## OPTIONS FOR AMENDING CHAPTER 293 PERTAINING TO NOISE REGULATIONS

Option one: Codify the Council's authority to grant variances to the restriction on use of amplified sound as defined in section 293.02(d). This option subjects amplified sound to the same terms and conditions currently applicable to variances; including a 200ft notice perimeter and the requirement that the Council find that full compliance with sound restrictions would "constitute an unreasonable hardship on the applicant." Note that the variance application already requires applicants to identify the locations of noise sources.

Sec. 293.09. Variances.

- (a) Authority. The city council shall have authority, consistent with this section, to grant variances from the sound level restrictions contained in section 293.07 and section 293.02(d).

Option two: Create a new permit for amplified sound. The process set out in this section can mirror the process for variances, but can also be modified if appropriate. Highlighted areas are intended to bring the Group's attention to areas where I have made changes to the "permit" provisions that are different from the variance provisions.

Sec. 293.10. Amplified Sound Permit.

- (a) Authority. The city council shall have authority, consistent with this section, to permit amplified sound notwithstanding the prohibition on amplified sound under section 293.02(d).
- (b) Application. Any person seeking a permit shall file an application with the department on a form prescribed by it. The application shall include the following information:
  - (1) Name of responsible person.
  - (2) Dates during which the permit is requested.
  - (3) Locations of all points of origin of amplified sound.
  - (4) Nature of the noise source and equipment involved.
  - (5) Reasons why a permit is sought.
  - (6) Steps taken to minimize the noise level from the source.
  - (7) A noise impact statement, if required by the department.
- (c) Fee. The application shall be accompanied by the payment of a fee, which fee shall be listed in chapter 310 of the Saint Paul Legislative Code.
- (d) Notice:
  - (1) The department shall notify by mail all property owners within three hundred (300) feet of the source of the proposed permit, measured from the origin of the noise source. If the

department finds, however, that more than one hundred fifty (150) property owners are within three hundred (300) feet of noise source, it may, in its discretion, send no more than one hundred fifty (150) notices to such property owners as it determines will be most affected by the noise source. The department may, if feasible, place the notice in newspapers of general circulation and community newspapers serving the area. The department shall also notify the city councilmember(s) and district planning council(s) whose areas are affected.

- (2) The notice shall include a statement describing the permit request, the date of the public hearing before the city council on the permit request, and a statement that written comments or objections may be filed with the department within fifteen (15) days of the mailed notice.
- (e) Action on application:
- (1) Within thirty (30) days of receipt of the application, the city council shall hold a public hearing on the application.
  - (2) After a public hearing, the council may by resolution grant, deny, modify or revoke the requested permit.
  - (3) The permit may be granted or modified in the discretion of the council. The council shall balance the interests of the applicant against the adverse impact on the health, safety and welfare of the persons affected, the adverse impact on property affected, and any other adverse effects of granting the permit.
  - (4) The permit may be granted subject to conditions, including restricting the hours of operation of the noise source(s), a time limit for duration of the permit, or attempts the applicant shall make to bring the noise source into compliance with this chapter.
  - (5) If a permit is granted, the applicant may be required to pay the city's cost of monitoring sound levels and compliance with other conditions.