



## Legislation Details (With Text)

**File #:** RES 11-875    **Version:** 1  
**Type:** Resolution-Public Hearing    **Status:** Passed  
**In control:** City Council  
**Final action:** 5/18/2011

**Title:** Approving the application of the CapitolRiver Council for a sound level variance in order to present amplified music from 6:00 p.m. until 9:00 p.m. on Thursdays - June 9, 16, 23, 30, July 7, 14, 21 & 28, and August 4, 11, 18, & 25, 2011; and to show movies from 9:00 p.m. until 11:30 p.m. on Thursdays - July 21 & 28, and August 4, 11, 18, & 25, 2011 in Mears Park.

**Sponsors:** Dave Thune

**Indexes:**

**Code sections:**

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

Date	Ver.	Action By	Action	Result
4/2/2014	1	Mayor's Office	Signed	
5/18/2011	1	City Council	Adopted	Pass

Approving the application of the CapitolRiver Council for a sound level variance in order to present amplified music from 6:00 p.m. until 9:00 p.m. on Thursdays - June 9, 16, 23, 30, July 7, 14, 21 & 28, and August 4, 11, 18, & 25, 2011; and to show movies from 9:00 p.m. until 11:30 p.m. on Thursdays - July 21 & 28, and August 4, 11, 18, & 25, 2011 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 Director, who has been designated as the responsible person on the application, has applied for a variance to present amplified music on Thursdays - June 9, 16, 23, 30, July 7, 14, 21 & 28, and August 4, 11, 18, & 25, 2011, and to show movies on Thursdays - July 21 & 28, and August 4, 11, 18, & 25, 2011 in Mears Park; and

WHEREAS, applicant is seeking a variance for the hours of 6:00 p.m. until 9:00 p.m. on Thursdays - June 9, 16, 23, 30, July 7, 14, 21 & 28, and August 4, 11, 18, & 25, 2011, and from 9:00 p.m. until 11:30 p.m. on Thursdays - July 21 & 28, and August 4, 11, 18, & 25, 2011; 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 June 9, 16, 23, 30, July 7, & 14, and from 6:00 p.m. until 11:30 p.m. on July 21 & 28, and August 4, 11, 18, & 25, 2011.

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 11:30 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 9, 16, 23, 30, July 7, & 14, and no later than 11:30 p.m. on July 21 & 28, and August 4, 11, 18, & 25, 2011.

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 Director, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified music from 6:00 p.m. until 9:00 p.m. on Thursdays - June 9, 16, 23, 30, July 7, 14, 21, & 28, and August 4, 11, 18, & 25, 2011, and to show movies from 9:00 p.m. until 11:30 p.m. on Thursdays - July 21 & 28, and August 4, 11, 18, & 25, 2011, 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