



## Legislation Details (With Text)

**File #:** RES PH 23- 279      **Version:** 1

**Type:** Resolution-Public Hearing      **Status:** Passed

**In control:** City Council

**Final action:** 9/20/2023

**Title:** Approving the application of Down Syndrome Association of MN for a sound level variance in order to present amplified sound on September 24, 2023 at Como Park Picnic Pavilion - 1199 Midway Parkway.

**Sponsors:** Amy Brendmoen

**Indexes:** Ward - 5

**Code sections:**

**Attachments:** 1. Application, 2. ENS, 3. Map, 4. Notice to Owners, 5. Owners List, 6. Letter to Applicant

Date	Ver.	Action By	Action	Result
9/21/2023	1	Mayor's Office	Signed	
9/20/2023	1	City Council	Adopted	Pass

Approving the application of Down Syndrome Association of MN for a sound level variance in order to present amplified sound on September 24, 2023 at Como Park Picnic Pavilion - 1199 Midway Parkway.

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, Down Syndrome Association of MN, represented by Courtney Schluender, Event Coordinator, who has been designated as the responsible person on the application, has applied for a variance, for 90 dBA at no specified distance, to present amplified sound for the Step Up for Down Syndrome Walk event at Como Park Picnic Pavilion - 1199 Midway Parkway .; and

WHEREAS, applicant has requested a variance for the hours of 9:00 a.m. to 3:00 p.m. on Sunday, September 24, 2023 for a Step Up for Down Syndrome Walk event; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified sound at Como Park Picnic Pavilion - 1199 Midway Parkway .; 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 Down Syndrome Association of MN, subject to the following conditions:

1) The Variance shall be for the hours from 9:00 a.m. to 3:00 p.m., with a pre-event sound check at 9:00 a.m. on Sunday, September 24, 2023 for the Step Up for Down Syndrome Walk event.

- 2) All electronically powered equipment used in conjunction with the event shall not exceed 90 dBA at 50 feet from all sound sources.
- 3) The applicant shall provide personnel and equipment who shall provide continuous sound level monitoring at each sound source during the hours of the variance.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 3:00 p.m. September 24, 2023, the event date.

FURTHER RESOLVED, that any violations of the conditions set forth above on the September 24, 2023 date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Down Syndrome Association of MN, represented by Courtney Schluender, Event Coordinator, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified sound, with limitations, from 9:00 a.m. to 3:00 p.m. on September 24, 2023. 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