



Legislation Details (With Text)

File #: RES PH 23- 157 **Version:** 1

Type: Resolution-Public Hearing **Status:** Passed
In control: City Council
Final action: 6/21/2023

Title: Approving the application of Jamesetta Polahn and Samuel Rusch for a sound level variance in order to present amplified sound on June 23, 2023 at Rice Park - 109 Fourth Street West.

Sponsors: Rebecca Noecker

Indexes: Ward - 2

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
6/23/2023	1	Mayor's Office	Signed	
6/21/2023	1	City Council	Adopted	Pass

Approving the application of Jamesetta Polahn and Samuel Rusch for a sound level variance in order to present amplified sound on June 23, 2023 at Rice Park - 109 Fourth Street West.
 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, Jamesetta Polahn and Samuel Rusch, represented by Jamesetta Polahn, Bride, who has been designated as the responsible person on the application, has applied for a variance, at no requested sound level limit or specified distance from the sound source at Rice park - 109 4th St W, to present amplified sound; and

WHEREAS, applicant has requested a variance for the hours of 12:00 p.m. to 4:00 p.m. on June 23, 2023 for the Rusch Wedding Ceremony; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified sound at Rice Park - 109 4th St W; 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 Jamesetta Polahn and Samuel Rusch, at Rice Park - 109 4th St W, subject to the following conditions:

- 1) The Variance shall be for the hours of 12:00 p.m. to 4:00 p.m. on Friday, June 23, 2023.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 85 dBA as measured 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 4:00 p.m. June 23, 2023, the event date.

FURTHER RESOLVED, that any violations of the conditions set forth above on the June 23, 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.

Jamesetta Polahn and Samuel Rusch, represented by Jamesetta Polahn, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified sound, with limitations, from 12:00 p.m. until 4:00 p.m. on June 23, 2023 at Rice Park - 109 4th St W. 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