



## Legislation Details (With Text)

**File #:** RES PH 12- 265      **Version:** 1

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

**In control:** City Council

**Final action:** 9/5/2012

**Title:** Approving the application of the Greater Frogtown CDC for a sound level variance in order to allow the use of a PA system and amplified live music from 6:00 p.m. until 10:00 p.m. on September 13, 2012 at 533 North Dale Street.

**Sponsors:** Melvin Carter III

**Indexes:**

**Code sections:**

**Attachments:** 1. Greater Frogtown SLV Application.pdf, 2. Greater Frogtown ENS.pdf, 3. Greater Frogtown Applicant Notification.pdf, 4. Greater Frogtown District 7 Notification.pdf, 5. Greater Frogtown CDC Map.pdf, 6. Greater Frogtown CDC Property Owner List.pdf, 7. Greater Frogtown Example.pdf

Date	Ver.	Action By	Action	Result
9/12/2012	1	Mayor's Office	Signed	
9/5/2012	1	City Council	Adopted	Pass

Approving the application of the Greater Frogtown CDC for a sound level variance in order to allow the use of a PA system and amplified live music from 6:00 p.m. until 10:00 p.m. on September 13, 2012 at 533 North Dale Street.

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 Greater Frogtown CDC, represented by Jill Henricksen, Executive Director, who has been designated as the responsible person on the application, has applied for a variance to allow the use of a PA system and amplified live music at 533 North Dale Street; and

WHEREAS, applicant has requested a variance for the hours of 6:00 p.m. to 10:00 p.m. on September 13, 2012; and

WHEREAS, if applicant is not granted a variance it will not be able to use a PA system and amplified live music at 533 North Dale Street; 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 Greater Frogtown CDC, subject to the following conditions:

- 1) The variance shall be for the hours of 6:00 p.m. to 10:00 p.m. on September 13, 2012.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 85 dBA as measured at 50 feet from the sound source.
- 3) The applicant shall provide personnel and equipment who shall provide continuous sound level monitoring at 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 10:00 p.m. on the event date.

FURTHER RESOLVED, that any violations of the conditions set forth above on the September 13, 2012 date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

The Frogtown CDC, represented by Jill Henricksen, Executive Director, has requested an exemption from the sound level limitations in Chapter 293.07 in order to allow the use of a PA system and present amplified live music, with limitations, from 6:00 p.m. until 10:00 p.m. on September 8, 2011. 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