



Legislation Details (With Text)

File #: RES PH 14- 163 **Version:** 1

Type: Resolution-Public Hearing **Status:** Passed
In control: City Council
Final action: 6/18/2014

Title: Approving the application of Highland District Council, represented by Kathy Carruth, Executive Director, for a sound level variance in order to present live amplified music for the Highland District Council Music Event from 7:00 p.m. until 8:30 p.m. on Wednesday, June 25, 2014 at 730 Cleveland Avenue South.

Sponsors: Chris Tolbert

Indexes: Ward - 3

Code sections:

Attachments: 1. Application, 2. ENS, 3. Map, 4. Notice to District Council, 5. Notice to Property Owners, 6. List of Property Owners, 7. Letter to Applicant, 8. Highland District Council Letter of Support for sound variance, 9. Heckler letter supporting Highland Jazzfest sound variance

Date	Ver.	Action By	Action	Result
6/24/2014	1	Mayor's Office	Signed	
6/18/2014	1	City Council	Adopted	Pass

Approving the application of Highland District Council, represented by Kathy Carruth, Executive Director, for a sound level variance in order to present live amplified music for the Highland District Council Music Event from 7:00 p.m. until 8:30 p.m. on Wednesday, June 25, 2014 at 730 Cleveland Avenue South.

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, Kathy Carruth, Executive Director, who has been designated as the responsible person on the application, has applied for a variance to present amplified music from 7:00 p.m. until 8:30 p.m. on Wednesday, June 25, 2014 at 730 Cleveland Avenue South; and

WHEREAS, applicant is seeking a variance for the hours of 7:00 p.m. until 8:30 p.m. on Wednesday, June 25, 2014; and

WHEREAS, if applicant is not granted a variance Highland District Council will not be able to present the amplified music at 730 Cleveland Avenue South; 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 Highland District Council, subject to the following conditions:

- 1) The variance will be for amplified music for the hours from 7:00 p.m. until 8:30 p.m. on June 25, 2014.
- 2) All electronically powered equipment, PA systems, loudspeakers or similar devices used in conjunction with the event must not exceed 85 dBA, as measured at 50 feet from the noise source from 7:00 p.m. until 8:30 p.m.
- 3) The applicant shall provide personnel and equipment who will provide sound level monitoring to ensure compliance with the sound level variance conditions.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 8:30 p.m. on June 25, 2014.

FURTHER RESOLVED, that any violations of the conditions set forth above on any of the dates may result in revocation of this variance for the remaining date(s), in addition to any criminal citation which might issue.

Kathy Carruth, Executive Director, Highland District Council has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified music from 7:00 p.m. until 8:30 p.m. on Wednesday, June 25, 2014 at 730 Cleveland Avenue South. 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