



Legislation Details (With Text)

**File #:** RES PH 19- 267      **Version:** 1

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

**In control:** City Council

**Final action:** 8/21/2019

**Title:** Approving the application of Hangman Productions USA Inc. for two sound level variances for outdoor music and announcements on September 6 and September 7, 2019 during the Red Bull Flugtag Events at Harriet Island and Upper Landing Park.

**Sponsors:** Rebecca Noecker

**Indexes:** Ward - 2

**Code sections:**

**Attachments:** 1. Application - Harriet Island, 2. Application - Upper Landing Park, 3. ENS, 4. Map - Harriet Island, 5. Map - Upper Landing Park, 6. Notice to Owners - Harriet Island, 7. Notice to Owners - Upper Landing Park, 8. Owners List - Harriet Island, 9. Owners List - Upper Landing Park, 10. Letter to Applicant

Date	Ver.	Action By	Action	Result
8/23/2019	1	Mayor's Office	Signed	
8/21/2019	1	City Council	Adopted	Pass

Approving the application of Hangman Productions USA Inc. for two sound level variances for outdoor music and announcements on September 6 and September 7, 2019 during the Red Bull Flugtag Events at Harriet Island and Upper Landing 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, Hangman Productions USA Inc., represented by Andrew Markey, President, who has been designated as the responsible person on the application, has applied for two variances, at a requested sound level limit of 95 decibels (dBA) at 80 feet to present outdoor music and announcements at Harriet Island and Upper Landing Park; and

WHEREAS, applicant is seeking a variance for the hours of 11:00 a.m. to 5:00 p.m. for outdoor music and announcements at Harriet Island and Upper Landing Park. starting Friday September 6, and Saturday September 7, 2019 during the Red Bull Flugtag Events; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present outdoor music and announcements at Harriet Island and Upper Landing 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 Hangman Productions USA Inc., subject to the following conditions:

- 1) The Variance will be for the Red Bull Flugtag Events at Harriet Island and Upper Landing parking lot for the hours of 11:00 a.m. to 5:00 p.m. for music and announcements on Friday September 6, and Saturday September 7, 2019.
- 2) All electronically powered equipment, PA systems, loudspeakers or similar devices used in conjunction with the event must not exceed 95 dBA as measured 50 feet from sound sources on Harriet Island and 90 dBA as measured 50 feet from sound sources at Upper Landing Park.
- 3) The applicant will provide personnel and equipment to ensure compliance with the sound level variance conditions.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices must be turned off no later than 5:00 p.m. on the dates of the event.

FURTHER RESOLVED, that any violations of the conditions set forth above, may result in denial of any future variances, in addition to any criminal citation which may be issued.

Hangman Productions USA Inc., represented by Andrew Markey, President, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present outdoor music and announcements, with limitations, from 11:00 a.m. to 5:00 p.m. on Friday September 6, and Saturday September 7, 2019 during the Red Bull Flugtag Events at Harriet Island and Upper Landing Park. Chapter 293.09 provides for the granting of variances from the sound level limitation contained in Chapter 293.07.

Was proper notice given? YES - See Attachments