



## Legislation Details (With Text)

**File #:** RES PH 24- 81      **Version:** 1

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

**In control:** City Council

**Final action:** 4/17/2024

**Title:** Approving the application of University of St. Thomas, Aaron Fimon, Public Safety Manager, for a sound level variance in order to present amplified sound on May 9 and May 10, 2024 at 2115 Summit Avenue, University of St. Thomas, O'Shaugnessy Stadium.

**Sponsors:** Mitra Jalali

**Indexes:** Ward - 4

**Code sections:**

**Attachments:** 1. Application, 2. ENS, 3. Map, 4. Notice to Owners, 5. Owners List, 6. Letter to Applicant, 7. Richard Varco public comment

Date	Ver.	Action By	Action	Result
4/18/2024	1	Mayor's Office	Signed	
4/17/2024	1	City Council	Adopted	Pass

Approving the application of University of St. Thomas, Aaron Fimon, Public Safety Manager, for a sound level variance in order to present amplified sound on May 9 and May 10, 2024 at 2115 Summit Avenue, University of St. Thomas, O'Shaugnessy Stadium.

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, University of St. Thomas, Aaron Fimon, Public Safety Manager, who has been designated as the responsible person on the application, has applied for a variance, for a requested sound level limit of 92 dBA measured at 50 ft from the sound source, to present amplified sound at 2115 Summit Avenue, University of Saint Thomas, O'Shaugnessy Stadium; and

WHEREAS, applicant has requested a variance for the hours of 10:00 a.m. to 10:00 p.m. on Thursday, May 9 and Friday May 10, 2024 with a pre-event sound check at 9:00 a.m. for the Track and Field Championships; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified sound at 2115 Summit Avenue, University of Saint Thomas, O'Shaugnessy Stadium; 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 University of St. Thomas, Aaron Fimon, Public Safety Manager, subject to the following conditions:

- 1) The Variance shall be for the hours of 10:00 a.m. to 10:00 p.m. on Thursday, May 9, and Friday May 10, 2024 with a pre-event sound check at 9:00 a.m.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 90 dBA as measured at 50 feet from all sound sources for the event hours of 10:00 a.m. until 10:00 p.m. and shall not exceed 80 dBA as measured at 50 feet from the sound source during the pre-event sound check at 9:00 a.m.
- 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. May 9 and May 10, 2024, the event dates.

FURTHER RESOLVED, that any violation 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.

FURTHER RESOLVED, that any violations of the conditions set forth above on the May 9 and May 10, 2024 dates may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

University of St. Thomas, represented by Aaron Fimon, Public Safety Manager, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified sound, with limitations, from 10:00 a.m. until 10:00 p.m. on May 9 and May 10, 2024 with a pre-event sound check at 9:00 a.m. 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