



Legislation Details (With Text)

File #: RES PH 13- 158 **Version:** 1

Type: Resolution-Public Hearing **Status:** Passed
In control: City Council
Final action: 7/10/2013

Title: Approving the application of Steve Heckler for a sound level variance in order to provide amplified music and the use of a P.A. and an amplified sound system from 7:00 p.m. until 10:00 p.m. on September 5, from 5:00 p.m. until 10:00 p.m. on September 6, and 12:00 noon to 10:00 p.m. on September 7, 2013 during Hot Summer Jazz Festival for Concrete & Grass at Mears Park.

Sponsors: Dave Thune

Indexes:

Code sections:

Attachments: 1. Concrete & Grass SLV Application.pdf, 2. Concrete & Grass ENS.pdf, 3. Concrete & Grass Applicant Notification Letter.pdf, 4. Concrete & Grass DC17 Notification Letter.pdf, 5. Concrete & Grass Map.pdf, 6. Concrete & Grass Property Owner List.pdf, 7. Concrete & Grass Example.pdf

Date	Ver.	Action By	Action	Result
7/15/2013	1	Mayor's Office	Signed	
7/10/2013	1	City Council	Adopted	Pass

Approving the application of Steve Heckler for a sound level variance in order to provide amplified music and the use of a P.A. and an amplified sound system from 7:00 p.m. until 10:00 p.m. on September 5, from 5:00 p.m. until 10:00 p.m. on September 6, and 12:00 noon to 10:00 p.m. on September 7, 2013 during Hot Summer Jazz Festival for Concrete & Grass at Mears 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, Concrete & Grass, represented by Steve Heckler, Executive Director, who has been designated as the responsible person on the application, has applied for a variance to provide use of P. A. and amplified sound system at Mears Park; and

WHEREAS, applicant is seeking a variance is from 7:00 p.m. until 10:00 p.m. on September 5, from 5:00 p.m. until 10:00 p.m. on September 6, and 12:00 noon to 10:00 p.m. on September 7, 2013 during Hot Summer Jazz Festival for Concrete & Grass at Mears Park; and

WHEREAS, if applicant is not granted a variance it will not be able to provide the use of P. A. and amplified sound system at Mears 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 Steve Heckler, subject to the following conditions:

- 1) The variance shall be from 7:00 p.m. until 10:00 p.m. on September 5, from 5:00 p.m. until 10:00 p.m. on September 6, and 12:00 noon to 10:00 p.m. on September 7, 2013 during Hot Summer Jazz Festival for Concrete & Grass at Mears Park.
- 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 September 5, 6, & 7, 2013.

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

Hot Summer Jazz Festival for Concrete & Grass, represented by Steve Heckler, Executive Director, has requested an exemption from the sound level limitations in Chapter 293.07 in order to provide the use of a P. A. and amplified sound system, with limitations, from 7:00 p.m. until 10:00 p.m. on September 5, from 5:00 p.m. until 10:00 p.m. on September 6, and 12:00 noon to 10:00 p.m. on September 7, 2013 during Hot Summer Jazz Festival for Concrete & Grass at Mears Park. 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