



## Legislation Text

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**File #:** RES PH 15-165, **Version:** 1

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Approving the application of Lao Family Community of Minnesota, Inc. for a sound level variance in order to provide amplified sound from 9:00 a.m. until 8:00 p.m. on Saturday, July 4 and Sunday, July 5, 2015, with prevent sound checks at 9:00 a.m., during the 35th Annual Hmong Freedom Celebration 2015 at the Como Park, Como Pool Area near 1151 Como Avenue.

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, Lao Family Community of Minnesota, Inc., represented by Tzianeng Vang, J4 2015 CEO for the Event for Lao Family, who has been designated as the responsible person on the application, has applied for a variance, with requested sound level of 80 dBA by the merchandise area, and for the hours of 7:00 a.m. to 10:00 p.m. to provide amplified music and announcements at the Como Park, Como Pool Area, 1151 Como Avenue W. Lao Family Community of Minnesota, Inc. and Tzianeng Vang submitted a revised sound level request to be at the same proposed levels as in 2013 and 2014, for 85 dBA at 50 feet from the stage sound source and 75 dBA at the nearest residential receiver for the merchandise area and sporting event fields ; and

WHEREAS, applicant, with revised request, is seeking a variance for the hours of 9:00 a.m. until 8:00 p.m., with sound checks at 9:00 a.m. on Saturday, July 4 and Sunday, July 5, 2015 during the 35<sup>th</sup> Annual Hmong Freedom Celebration 2015; and

WHEREAS, if applicant is not granted a variance they will not be able to provide amplified music and announcements at the 35<sup>th</sup> Annual Hmong Freedom Celebration, by the Como Pool Area at 1151 Como Avenue W.; 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 sound level variance to Lao Family Community of Minnesota, Inc., subject to the following conditions:

- 1) The variance will only be for the hours of 9:00 a.m. until 8:00 p.m. on Saturday, July 4 & Sunday, July 5, 2015.
- 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 any stage.
- 3) All electronically powered equipment, PA systems, loudspeakers or similar devices used in the merchandise areas and on or near the sporting event fields, must not exceed 75 dBA as measured at the nearest residential receiver.

- 4) The applicant will provide personnel and equipment, who will conduct sound level monitoring during the event, to ensure compliance with the variance conditions.
- 5) All electronically powered equipment, PA systems, loudspeakers or similar devices must be turned off no later than 8:00 p.m. on each event date.

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

Lao Family Community of Minnesota, Inc., represented by Tzianeng Vang, J4 2015 CEO for the Event, has requested an exemption from the sound level limitations in Chapter 293.07 in order to provide amplified sound, with limitations, from 9:00 a.m. until 8:00 p.m. on July 4 & 5, 2015 during the 35<sup>th</sup> Annual Hmong Freedom Celebration 2015 at the Como Park, Como Pool Area, 1151 Como Avenue. 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