



Legislation Text

File #: RES PH 19-132, **Version:** 1

Approving the application of Listening House of St. Paul for a sound level variance for the use of a sound system at Upper Landing Park for the Next Steps 5K event on Sunday, May 19, 2019.

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, Listening House of St. Paul, Inc., represented by Julie Borgerding, Program Director, who has been designated as the responsible person on the application, has applied for a variance, at no specified sound level limit or distance, to present amplified music and announcements at Upper Landing Park, on Eagle Street and Shepard Road with the use of a sound system, for the Next Steps 5K event on Sunday, May 19, 2019; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present the amplified music and announcements at Upper Landing with use of a sound system; 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 Listening House of St. Paul, Inc., subject to the following conditions:

- 1) The Variance will be for the Next Steps 5K at Upper Landing Park, Eagle St. and Shepard Road with the use of a sound system for music and announcements from 7:30 a.m. to 9:30 a.m., with a pre-event sound check at 7:30 a.m.
- 2) All electronically powered equipment, PA system, loudspeaker or any similar device used in conjunction with the event, will not exceed 85 dBA, as measured 50 feet from any stage or sound source.
- 3) The applicant shall provide personnel and equipment to ensure compliance with the variance conditions.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices will be turned off by 9:30 a.m. on May 19, 2019.
- 5) A copy of this sound level variance must be maintained at the event location and be available for review by the City of Saint Paul Police or inspection personnel.

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 variance for the subsequent date(s), in addition to any criminal citation which might issue.

Listening House, represented by Julie Borgerding, Program Director, has requested an exemption from the

sound level limitations in Chapter 293.07 in order to provide music and announcements at Upper Landing Park, Eagle Street and Shepard Road with the use of a sound system, for the Next Steps 5K event on Sunday, May 19, 2019 from 7:30 a.m. to 9:30 a.m., with a pre-event sound check at 7:30 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