



Legislation Text

File #: RES PH 17-145, **Version:** 1

Approving the application of Toua Xiong, Hmong Town Marketplace, for a sound level variance in order to present amplified music during the Hmong Town Festival at 217 Como Avenue, on Como Avenue between Marion Street and Galtier Street, and at Sheffer 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, Hmong Town Marketplace, represented by Toua Xiong, Owner, who has been designated as the responsible person on the application, has applied for a variance, at a requested sound level limit of 85 dBA at no specified distance, to present amplified music at 217 Como Avenue, Como Avenue between Marion Street and Galtier Street and Sheffer Park ; and

WHEREAS, applicant is seeking a variance for the hours of 9:00 a.m. to Midnight on Saturday, June 24 and Sunday, June 25, 2017, with a pre-event sound check at 7:00 a.m. on June 24 and June 25, 2017 during the Hmong Town Festival; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified music at 217 Como Avenue, Como Avenue between Marion Street and Galtier Street and Sheffer 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 Hmong Town Marketplace, subject to the following conditions:

- 1) The variance shall be for the hours of 9:00 a.m. to 11:59 p.m. on June 24, 2017 and from 9:00 a.m. until 8:00 p.m. on June 25, 2017, with a pre-event sound check at 7:00 a.m. on June 24 and June 25, 2017.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 85 dBA as measured 50 feet from any stage sound source. All electronically powered equipment, PA systems, loudspeakers or similar devices used in the merchandise areas must not exceed 75 dBA as measured at the nearest residential receiver, and;
- 3) The applicant shall provide personnel and equipment to ensure compliance with the sound level variance conditions.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 11:59 p.m. on June 24, 2017 and no later than 8:00 p.m. on June 25, 2017.

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.

Hmong Town Marketplace, represented by Toua Xiong, Owner, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified music, with limitations, from 9:00 a.m. to Midnight, on June 24 and 25, 2017 with a pre-event sound check at 7:00 a.m. on June 24, 2017 and June 25, 2017 during the Hmong Town Festival at 217 Como Avenue, Como Avenue between Marion Street and Galtier Street and Sheffer 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