



Legislation Text

File #: RES PH 14-162, **Version:** 2

Approving the application of Nemer Fieger, represented by J. Marie Fieger, President of Nemer Fieger, Agency for the Minnesota Street Rod Association (MSRA), for a sound level variance in order to present live music from 11:30 a.m. until 1:00 p.m. on Thursday, June 19, 2014 for a Kick Off for MSRA Back to the Fifties Event 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, J. Marie Fieger, who has been designated as the responsible person on the application, has applied for a variance to present amplified music and announcements at Mears Park; and

WHEREAS, applicant is seeking a variance for the hours of 11:30 a.m. to 1:00 p.m. on Thursday, June 19, 2014 for a MSRA Kick Off Back to the 50's Event; and

WHEREAS, if applicant is not granted a variance it will not be able to have live music during a MSRA Kick Off Back to the 50's Event 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 J. Marie Fieger, Nemer Fieger Agency, representing the MSRA, subject to the following conditions:

- 1) The variance will be for a wedding amplified music and announcements during the hours of 11:30 a.m. to 1:00 p.m. on Thursday, June 19, 2014.
- 2) All electronically powered equipment, PA systems, loudspeakers or similar devices used in conjunction with the wedding outdoor music and announcements must not exceed 85 dBA as measured 50 feet from sound source.
- 3) The applicant will provide personnel and equipment to ensure compliance with the sound level variance conditions.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices must be turned off no later than 1:00 p.m. on Thursday, June 19, 2014.

FURTHER RESOLVED, that any violations of the conditions set forth above, may result in denial of any future variances, in addition to any criminal citation which may be issued.

J. Marie Fieger, President of Nemer Fieger Agency, Agency for the Minnesota Street Rod Association (MSRA), has requested an exemption from the sound level limitations in Chapter 293.07 in order to present live band

music, with limitations, from 11:30 a.m. to 1:00 p.m. on Thursday, June 19, 2014 during a MSRA Kick Off Back to the 50's Event 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