



## Legislation Text

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**File #:** RES PH 13-4, **Version:** 1

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Approving the application of the St. Paul Festival & Heritage Foundation for a sound level variance in order to present amplified music from 10:00 a.m. until 10:00 p.m. from January 24, 2013 through February 3, 2013 in Rice 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, the St. Paul Festival & Heritage Foundation, represented by Beth Pinkney, CEO, who has been designated as the responsible person on the application, has applied for a variance to present amplified music from 10:00 a.m. until 10:00 p.m. from January 24, 2013 through February 3, 2013 in Rice Park; and

WHEREAS, if applicant is not granted a variance it will not be able to present the amplified music in Rice 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 the St. Paul Festival & Heritage Foundation, subject to the following conditions:

- 1) The variance shall be for the hours from 10:00 a.m. until 10:00 p.m. from January 24, 2013 through February 3, 2013 in Rice Park.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 85 dBA, as measured at any point on the public sidewalk surrounding the perimeter of Rice Park from 10:00 a.m. until 10:00 p.m.
- 3) The applicant shall provide personnel and equipment who shall provide continuous sound level monitoring at the stage and 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 9:00 p.m. on the event dates.

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.

St. Paul Festival & Heritage Foundation, represented by Beth Pinkney, CEO, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified music from 10:00 a.m. until 10:00 p.m. from January 24, 2013 through February 3, 2013 in Rice 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