



## Legislation Text

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**File #:** RES PH 14-259, **Version:** 1

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Approving the application of the Patrick O'Shaughnessy Sponsored Neighborhood Party for a sound level variance in order to present a live band at 702 Fairmount Avenue on Saturday, September 27, 2014 from 5:30 p.m. to 9:30 p.m.

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, Patrick O'Shaughnessy, Sponsor of a Neighborhood Party, and represented by Patrick O'Shaughnessy, who has been designated as the responsible person on the application, has applied for a variance to present a live band at 702 Fairmount Avenue with speakers on Saturday, September 27, 2014; and

WHEREAS, if applicant is not granted a variance it will not be able to present the live band with speakers at the 702 Fairmount Avenue site; 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 Patrick O'Shaughnessy, subject to the following conditions:

1. The variance will be for the Patrick O'Shaughnessy Sponsored Neighborhood Party in order to present a live band at 702 Fairmount Avenue on September 27, 2014 from 5:30 p.m. to 9:30 p.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 used for music and/or announcements between the hours of 5:30 p.m. and 9:30 p.m.
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 p.m. on September 27, 2014.

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.

The Patrick O'Shaughnessy Sponsored Neighborhood Party, represented by Patrick O'Shaughnessy, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present a live band with speakers on September 27, 2014 at 702 Fairmount Avenue from 5:30 p.m. to 9:30 p.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