



Legislation Text

File #: RES PH 18-287, **Version:** 1

Approving the application of MN Trio for a sound level variance to present announcements and amplified music on Sunday, September 30, 2018 at Kelly's Landing for the MN Trio 5K Walk/Run.

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, MN Trio, represented by Ka Zoua Xiong, has applied for a variance, at no requested sound level limit or distance, to present DJ music and announcements at Kelly's Landing for the hours of 7:00 a.m. until 2:00 p.m. on Sunday, September 30, 2018 for the MN Trio 5K Walk/Run; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present announcements and amplified music at Kelly's Landing; 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 MN Trio subject to the following conditions:

- 1) The Variance shall be for the hours of 7:00 a.m. to 2:00 p.m. on Sunday, September 30, 2018.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 85 dBA as measured 50 feet from sound source.
- 3) The applicant shall provide personnel and equipment to ensure compliance with the sound level variance conditions. The applicant may need to provide a barrier, to act as a sound absorber to contain excess sound from leaving the area.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 2:00 p.m. on the date of the event.

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.

MN Trio, represented by Ka Zoua Xiong, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present announcements and amplified music, with limitations, from 7:00 a.m. to 2:00 p.m., on Sunday, September 30, 2018, for the MN Trio 5K Walk/Run at Kelly's Landing. 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

