



## Legislation Text

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**File #:** RES 11-854, **Version:** 1

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Approving the application of Renee McCuen for a sound level variance in order to present amplified band music during a wedding reception from 6:00 p.m. until 10:00 p.m. on August 13, 2011 in 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, Renee McCuen, who has been designated as the responsible person on the application, has applied for a variance to present amplified band music during a wedding reception in Mears Park; and

WHEREAS, applicant is seeking a variance for the hours of 6:00 p.m. until 10:00 p.m. on August 13, 2011; and

WHEREAS, if applicant is not granted a variance she will not be able to present amplified band music in 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 Renee McCuen, subject to the following conditions:

- 1) The variance shall be for the hours of 6:00 p.m. until 10:00 p.m. on August 13, 2011 in Mears Park.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 85 dBA, as measured at 50 feet from the music source.
- 3) The applicant shall provide personnel and equipment who shall provide continuous sound level monitoring at all stages and each sound mix during the hours of the variance, to ensure compliance with Condition #2.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 10:00 p.m. on the event date.

FURTHER RESOLVED, that any violations of the conditions set forth above on the August 13, 2011 date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Renee McCuen has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified band music, with limitations, during a wedding reception in Mears Park from 6:00 p.m. until 10:00 p.m. on August 13, 2011. 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