



Legislation Text

File #: RES PH 23-221, **Version:** 1

Approving the application of Friends of Rebecca Noecker for a sound level variance in order to present amplified sound on September 24, 2023 at Parque Castillo - 149 Cesar Chavez Street.

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, Friends of Rebecca Noecker, represented by Rebecca Noecker, Candidate, who has been designated as the responsible person on the application, has applied for a variance, for 90 dBA at no specified distance, to present amplified sound for the Ward 2 Picnic event at Parque Castillo - 149 Cesar Chavez St.; and

WHEREAS, applicant has requested a variance for the hours of 12:00 p.m. to 2:00 p.m., with a pre-event sound check at 11:30 a.m. on Sunday, September 24, 2023 for a Ward 2 Picnic; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified sound at Parque Castillo - 149 Cesar Chavez St.; 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 Friends of Rebecca Noecker, subject to the following conditions:

- 1) The Variance shall be for the hours from 12:00 p.m. to 2:00 p.m., with a pre-event sound check at 11:30 a.m. on Sunday, September 24, 2023 for the Ward 2 Picnic event.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 90 dBA at 50 feet from all sound sources.
- 3) The applicant shall provide personnel and equipment who shall provide continuous sound level monitoring at each sound source during the hours of the variance.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 2:00 p.m. September 24, 2023, the event date.

FURTHER RESOLVED, that any violations of the conditions set forth above on the September 24, 2023 date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Friends of Rebecca Noecker, represented by Rebecca Noecker, Candidate, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified sound, with limitations, from 12:00 p.m. to 2:00 p.m., with a pre-event sound check at 11:30 a.m. on September 24, 2023. 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