



## Legislation Text

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**File #:** RES PH 19-178, **Version:** 1

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Approving the application of Hmong Town Connections Inc. for a sound level variance to present live amplified music for Hmong Town Festival on Saturday, June 29 and Sunday June 30, 2019 at 217 Como Avenue.

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, HmongTown Connections Inc., represented by Toua Xiong, Owner/Event Host, who has been designated as the responsible person on the application, has applied for a variance, with no specified sound level limit or distance request, to present amplified music at 217 Como Ave.; and

WHEREAS, applicant has requested a variance for the hours of 8:00 a.m. to 12:00 a.m. (midnight), with a pre-event sound check at 7:00 p.m. on Saturday, June 29 and Sunday June 30, 2019 for HmongTown Connection Inc's Hmong Town Festival; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified music at 217 Como Ave.; 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 HmongTown Connections, Inc., subject to the following conditions:

- 1) The Variance shall be for the hours of 8:00 a.m. to 11:59 p.m. on Saturday, June 29, 2019 and from 8:00 a.m. until 10:00 p.m. on Sunday, June 30, 2019 with a pre-event sound check at 7:00 p.m. on Saturday, June 29 and Sunday June 30, 2019.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 85 dBA as measured at 50 feet from all sound sources outside.
- 3) The applicant shall provide personnel and equipment who shall provide continuous sound level monitoring at 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 11:59 p.m. on Saturday, June 29 and no later than 10:00 p.m. on Sunday June 30, 2019, the event dates.

FURTHER RESOLVED, that any violations of the conditions set forth above on the Saturday, June 29 and Sunday June 30, 2019 date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

HmongTown Connection Inc., represented by Toua Xiong, have requested an exemption from the sound level limitations in Chapter 293.07 in order to present live amplified music, with limitations, from 8:00 a.m. to 12:00 a.m. (midnight), with a pre-event sound check at 7:00 p.m. on Saturday, June 29 and Sunday June 30, 2019. 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