



## Legislation Text

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**File #:** RES PH 14-195, **Version:** 1

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Approving the application of Bedlam Theatre for a sound level variance in order to present amplified music from 5:00 p.m. until 10:00 p.m. on five (5) Wednesdays starting July 30, 2014 through August 27, 2014, at the Union Depot East Plaza, 214 Fourth Street East, for the Bedlam Theatre Concert Series.

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, Mohamed Samatar, Creative Associate, has been designated as the responsible person on the application, has applied for a variance to present amplified music for concerts from 5:00 p.m. until 10:00 p.m. on five Wednesdays starting July 30, 2014 through August 27, 2014 at Union Depot East Plaza, 214 4<sup>th</sup> Street East; and

WHEREAS, applicant is seeking a variance for the hours of 5:00 p.m. until 10:00 p.m. on five (5) Wednesdays starting July 30, 2014 through August 27, 2014; and

WHEREAS, if applicant is not granted a variance it will not be able to present the amplified music at Union Depot East Plaza, 214 4<sup>th</sup> Street East; 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 Bedlam Theatre, subject to the following conditions:

- 1) The variance will be for amplified music for the hours from 5:00 p.m. until 10:00 p.m. on five (5) Wednesdays starting July 30, 2014 through August 27, 2014.
- 2) All electronically powered equipment, PA systems, loudspeakers or similar devices used in conjunction with the event must not exceed 85 dBA, as measured at 50 feet from the noise source from 5:00 p.m. until 10:00 p.m.
- 3) The applicant shall provide personnel and equipment who will provide sound level monitoring to ensure compliance with the sound level variance conditions.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 10:00 p.m. on five (5) Wednesdays from July 30, 2014 through August 27, 2014.

FURTHER RESOLVED, that any violations of the conditions set forth above on any of the dates may result in revocation of this variance for the remaining date(s), in addition to any criminal citation which might issue.

Mohamed Samatar, Creative Associate, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified music for concerts from 5:00 p.m. until 10:00 p.m. on five (5) Wednesdays starting July 30, 2014 through August 27, 2014 at Union Depot East Plaza, 214 4<sup>th</sup> Street East. 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