



## Legislation Text

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**File #:** RES PH 24-102, **Version:** 1

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Approving the application of Evie Mouacheupao for a sound level variance in order to present amplified sound on June 22, 2024, and June 23, 2024 at 353 University Avenue, 422 University Avenue, and on the corner of Western Avenue North and Sherburne 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, Evie Mouacheupao, Asian Economic Development Association (AEDA), Arts & Culture Manager, who has been designated as the responsible person on the application, has applied for a variance, for 90 dBA at no specific distance to present amplified sound for the Little Mekong Night Market at 353 University Avenue, 422 University Avenue and on the corner of Western Ave N and Sherburne Ave; and

WHEREAS, applicant has requested a variance for the hours of 5:00 p.m. to 11:00 p.m. on June 22, 2024 and 3:00 p.m. to 9:00 p.m. on June 23, 2024 with a pre-event sound check at 2:00 p.m. on June 22, 2024, and at 12:00 p.m. on June 23, 2024 for the Little Mekong Night Market; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified sound at 353 University Avenue, 422 University Avenue and on the corner of Western Ave N and Sherburne 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 Evie Mouacheupao, subject to the following conditions:

- 1) The Variance shall be for the hours of 5:00 p.m. to 11:00 p.m. on Saturday, June 22, 2024 and 3:00 p.m. to 9:00 p.m. on Sunday, June 23, 2024 with a pre-event sound check at 2:00 p.m. on June 22, 2024, and at 12:00 p.m. on June 23, 2024 for the Little Mekong Night Market.
- 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 11:00 p.m. on June 22, 2024, and 9:00 p.m. on June 23, 2024 the event dates.

FURTHER RESOLVED, that any violations of the conditions set forth above on the June 22, 2024 and June 23, 2024 dates may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Evie Mouacheupao, AEDA Arts & Culture Manager, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified sound, with limitations, from 5:00 p.m. to 11:00 p.m. on June 22, 2024 and 3:00 p.m. to 9:00 p.m. on June 23, 2024 with a pre-event sound check at 2:00 p.m. on June 22, 2024, and at 12:00 p.m. on June 23, 2024. 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