



## Legislation Text

**File #:** RES PH 11-997, **Version:** 1

Approving the application of Visit Saint Paul for a sound level variance for the use of a P.A. system and amplified music on August 19, 2011 from 10:00 p.m. until 11:30 p.m., and on August 20, 2011 from 3:30 p.m. until 6:30 p.m. and 9:00 p.m. until 11:30 p.m. during the Visa Fan Fest at Rice Park. (Laid over from August 3)

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, Visit Saint Paul, represented by Adam Johnson, Vice President of Marketing, who has been designated as the responsible person on the application, has applied for a variance to present the use of a PA system and amplified music at Rice Park; and

WHEREAS, applicant is seeking a variance for the hours of 10:00 p.m. until 11:30 p.m. on August 19, 2011 and from 3:30 p.m. until 6:30 p.m. and also 9:00 p.m. until 11:30 p.m. on August 20, 2011 during the Visa Fan Fest; and

WHEREAS, if applicant is not granted a variance it will not be able to present amplified music and the use of a PA sound system at Rice 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 Visit Saint Paul, subject to the following conditions:

1) The variance shall be for the hours of 6:30 a.m. until 7:30 a.m. on August 18; 6:30 a.m. until 7:30 a.m., and also 10:00 p.m. until 11:30 p.m. on August 19, 2011; and the hours of 6:30 a.m. until 7:30 a.m., 3:30 p.m. until 6:30 p.m., and also 9:00 p.m. until 11:30 p.m. on August 20, 2011.

2) All electronically powered equipment used in conjunction with the event shall not exceed 80 dBA as measured 50 feet from sound source.

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 11:30 p.m. on the event dates.

FURTHER RESOLVED, that any violations of the conditions set forth above on the first date may result in revocation of the grant of a variance for the subsequent date, in addition to any criminal citation which might issue.

Visit Saint Paul, represented by Adam Johnson, Vice President of Marketing, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified music and the use of a PA system, with limitations, from 10:00 p.m. until 11:30 p.m. on August 19, 2011 and from 3:30 p.m. until 6:30 p.m. and also from 9:00 p.m. until 11:30 p.m. on August 20, 2011 during the Visa Fan Fest at Rice Park. 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