



Legislation Text

File #: RES PH 23-162, **Version:** 1

Approving the application of Spencer Miller for a sound level variance in order to present amplified sound on Sunday, July 16, 2023 at 1632 Ivy Avenue East - Prosperity Heights Park.

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, Spencer Miller, Doctor, 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 Spencer's Birthday Celebration, 1632 Ivy Ave E - Prosperity Heights Park; and

WHEREAS, applicant has requested a variance for the hours of 1:00 p.m. to 5:00 p.m. with a pre-event sound check at 12:00 p.m. on Sunday, July 16, 2023 for Spencer's Birthday Celebration; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified sound at 1632 Ivy Ave E - Prosperity Heights 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 Spencer Miller, subject to the following conditions:

- 1) The Variance shall be for the hours from of 1:00 p.m. to 5:00 p.m. with a pre-event sound check at 12:00 p.m. on Sunday, July 16, 2023 for Spencer's Birthday Celebration.
- 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 5:00 p.m. on Sunday, July 16, 2023, the event dates.

FURTHER RESOLVED, that any violations of the conditions set forth above on Sunday, July 16, 2023 may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Spencer Miller, has requested an exemption from the sound level limitations in Chapter 293.07 in order to

present amplified sound, with limitations, from 1:00 p.m. to 5:00 p.m. with a pre-event sound check at 12:00 p.m. on Sunday July 16, 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