



## Legislation Text

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**File #:** RES PH 15-236, **Version:** 1

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Approving the application of FILO Productions Inc. Oktoberfest's request for a sound level variance, in order to present a live band and announcements at Rice Park on September 18 and 19, 2015.

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, FILO Productions Inc. Oktoberfest, represented by Linda DeRoode, Director of Festivals, who has been designated as the responsible person on the application, has applied for a variance to present a live band and announcements at Rice Park on Friday, September 18, 2015 and Saturday, September 19, 2015; and

WHEREAS, if applicant is not granted a variance, applicant will not be able to present the live band and announcements at the Rice Park Event site; 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 sound level variance to FILO Productions Inc. Oktoberfest, subject to the following conditions:

- 1) The variance will be for the FILO Productions Inc. Oktoberfest 2015 at Rice Park on September 18, 2015 from 4:00 p.m. until 10:00 p.m. and on September 19, 2015 from 10:00 a.m. to 10:00 p.m.
- 2) All electronically powered equipment, PA system, loudspeaker or any similar device used in conjunction with the event, will not exceed 85 dBA, as measured 50 feet from any stage or sound source used for music and/or announcements between the hours of 4:00 p.m. until 10:00 p.m. on Friday, September 18, 2015 and from 10:00 a.m. until 10:00 p.m. on Saturday, September 19, 2015.
- 3) The applicant shall provide personnel and equipment to ensure compliance with the variance conditions.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices will be turned off by 10:00 p.m. on September 18 and 19, 2015.

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

FILO Productions Inc., Oktoberfest, represented by Linda DeRoode, Director of Festivals, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present a live band and announcements from 4:00 p.m. to 10:00 p.m. on Friday, September 18, 2015 and from 10:00 a.m. until 10:00 p.m. on Saturday, September 19, 2015. 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