



## Legislation Text

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**File #:** RES PH 19-64, **Version:** 1

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Approving the application of MN Wild for a sound level variance for an outdoor music event on Friday, March 15, 2019 through Sunday March 17, 2019 at 150 Smith Avenue North.

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, MN Wild, represented by Jim Vanek, Events Manager, who has been designated as the responsible person on the application, has applied for a sound level variance, at a requested sound level limit of 95 decibels (dBA) at no specified distance, for a St. Patrick's Day Weekend Pre-Event Parties outdoor music event; and

WHEREAS, the applicant is seeking the variance for the hours of 4:00 p.m. to 8:00 p.m. on Friday, March 15, 12:00 p.m. to 10:00 p.m. on Saturday, March 16 and 12:00 p.m. to 4:30 p.m. Sunday, March 17, 2019 with a pre-event sound check one (1) hour prior to event start; and

WHEREAS, if applicant is not granted a variance it will not be able to present an outdoor music event at 150 Smith Ave. N.; 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 MN Wild, subject to the following conditions:

- 1) The Variance will be for the hours of 4:00 p.m. to 8:00 p.m. on Friday, March 15, 12:00 p.m. to 10:00 p.m. on Saturday, March 16 and 12:00 p.m. to 4:30 p.m. Sunday, March 17, 2019 with a pre-event sound check one (1) hour prior to event start.
- 2) All electronically powered equipment, PA systems, loudspeakers or similar devices used in conjunction with the event must not exceed 95 dBA as measured at 50 feet from all the sound sources outside of the fully enclosed tent.
- 3) The applicant will provide personnel and equipment, during the hours of the variance, who will provide sound level monitoring to ensure compliance with the variance conditions.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices must be turned off no later than 8:00 p.m. on March 15, no later than 10:00 p.m. on March 16 and no later than 4:30 p.m. on March 17, 2019.

FURTHER RESOLVED, that any violations of the conditions set forth above may result in denial in the granting of future variance requests, in addition to any criminal citation which might issue.

MN Wild, represented by Jim Vanek, Events Manager, has requested an exemption from the sound level limitations in Chapter 293.07 for an outdoor music event, from 4:00 p.m. to 8:00 p.m. on Friday, March 15, 12:00 p.m. to 10:00 p.m. on Saturday, March 16 and 12:00 p.m. to 4:30 p.m. Sunday, March 17, 2019. 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