



## Legislation Text

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**File #:** RES PH 16-176, **Version:** 1

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Approving the application of Calida Fuerst, Co-Coordinator, Highland Business Association, for a sound level variance in order to present live music on Friday, July 15, 2016; Saturday, July 16, 2016; and Sunday, July 17, 2016 at Hillcrest Park, 1978 Ford Parkway for the Highland Fest.

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, the Highland Business Association, represented by Calida Fuerst, Co-Coordinator, who has been designated as the responsible person on the application, has applied for a variance, with a sound level limit request of 100 dBA at 50 feet, to present outdoor music at 1978 Ford Parkway; and

WHEREAS, applicant is seeking a variance for the hours of 4:00 p.m. to 10:00 p.m. , with a pre-event sound check from 12:00 p.m. until 3:00 p.m. on Friday, July 15, 2016, from 10:00 a.m. to 10:00 p.m. on Saturday, July 16, 2016 and from 10:00 a.m. to 5:00 p.m. on Sunday, July 17, 2016 for the Highland Fest; and

WHEREAS, if applicant is not granted a variance it will not be able to present outdoor music at 1978 Ford Parkway; 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 the Highland Fest, subject to the following conditions:

- 1) The variance will be for the Highland Fest from the hours of 4:00 p.m. to 10:00 p.m., with a pre-event sound check from 12:00 p.m. until 3:00 p.m. on Friday, July 15, 2016; from 10:00 a.m. to 10:00 p.m. on Saturday, July 16, 2016, and from 10:00 a.m. until 5:00 p.m. on Sunday, July 17, 2016.
- 2) All electronically powered equipment, PA systems, loudspeakers or similar devices used in conjunction with the event must not exceed 90 dBA as measured 50 feet from sound source.
- 3) The applicant will provide personnel and equipment to ensure compliance with the sound level variance conditions.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices must be turned off no later than 10:00 p.m. on Friday, July 15, 2016, until 10:00 p.m. on Saturday, July 16, 2016, and until 5:00 p.m. on Sunday, July 17, 2016.

FURTHER RESOLVED, that any violations of the conditions set forth above, may result in denial of any future variances, in addition to any criminal citation which may be issued.

The Highland Business Association, represented by Calida Fuerst, Co-Coordinator, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present outdoor music, with limitations, from 4:00 p.m. to 10:00 p.m., with a pre-event sound check from 12:00 p.m. until 3:00 p.m. for music, on Friday, July 15, 2016, from 10:00 a.m. until 10:00 p.m. on Saturday, July 16, 2016 and from 10:00 a.m. until 5:00 p.m. on Sunday, July 17, 2016 during the Highland Fest at Hillcrest Park, 1978 Ford Parkway. 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