



## Legislation Text

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**File #:** RES PH 19-145, **Version:** 1

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Approving the application of Hunter Sinclair Hawthorne for a sound level variance to present live amplified music Saturday, June 8, 2019 at 436 Roy Street 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, Hunter Sinclair Hawthorne, Organizer, who has been designated as the responsible person on the application, has applied for a variance, at a requested sound level limit of 80 to 100 dBA at no specified distance, to present live amplified music at 436 Roy St. N.; and

WHEREAS, applicant has requested a variance for the hours from 3:00 p.m. to 9:00 p.m., with a pre-event sound check between 11:00 a.m. and 2:00 p.m. on Saturday, June 8, 2019 for their Yard Art event; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified music at 436 Roy St. 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 Hunter Sinclair Hawthorne, subject to the following conditions:

- 1) The Variance shall be for the hours from 3:00 p.m. to 9:00 p.m., with a pre-event sound check between 11:00 a.m. and 2:00 p.m. on Saturday, June 8, 2019.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 85 dBA as measured 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 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 9:00 p.m. on Saturday, June 8, 2019, the event date.

FURTHER RESOLVED, that any violations of the conditions set forth above on the Saturday, June 8, 2019 date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Hunter Sinclair Hawthorne, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present live amplified music, with limitations, from 3:00 p.m. until 9:00 p.m. on Saturday, June 8, 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