



## Legislation Text

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**File #:** RES PH 16-162, **Version:** 1

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Approving the application of Music in Mears LLC, Brian Horst, for a sound level variance in order to present amplified music on twelve (12) Fridays starting June 10, 2016 through August 26, 2016, for the Rhythm in Rice concert series in Rice 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, Brian Horst, Event Director, who has been designated as the responsible person on the application, has applied for a variance, at a requested level of 90 dBA at 50 feet to present amplified music for concerts from 6:00 p.m. until 9:00 p.m. on twelve (12) Fridays starting June 10, 2016 through August 26, 2016 in Rice Park; and

WHEREAS, applicant is seeking a variance for the hours of 6:00 p.m. until 9:00 p.m. on twelve (12) Fridays starting June 10, 2016 through August 26, 2016; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present the amplified music in Rice 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 Brian Horst, subject to the following conditions:

- 1) The variance will be for amplified music for the hours from 6:00 p.m. until 9:00 p.m. on twelve (12) Fridays starting June 10, 2016 through August 26, 2016.
- 2) All electronically powered equipment, PA systems, loudspeakers or similar devices used in conjunction with the music concert events must not exceed 90 dBA, as measured at 50 feet from the noise source from 6:00 p.m. until 9:00 p.m.
- 3) The applicant shall provide personnel and equipment who will provide sound level monitoring to ensure compliance with the sound level variance conditions.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 9:00 p.m. on twelve (12) Fridays from June 10, 2016 through August 26, 2016.

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

Brian Horst, Event Director, has requested an exemption from the sound level limitations in Chapter 293.07 in

order to present amplified music for concerts from 6:00 p.m. until 9:00 p.m. on twelve (12) Fridays starting June 10, 2018 through August 26, 2016 in Rice Park. 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