



## Legislation Text

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**File #:** RES 11-580, **Version:** 1

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Approving the application of Visit Saint Paul for a sound level variance in order to allow a sound system for a concert between 8:00 p.m. and 11:00 p.m. on April 9, 2011 on an outdoor stage on the Downtowner/Burger Moes parking lot at 242 West Seventh Street.

### **Amended 4/6/2011**

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, Visit Saint Paul, represented by Adam Johnson, Vice President of Marketing, who has been designated as the responsible person on the application, has applied for a variance to allow a sound system for a concert during the College Hockey Fan Fest, on an outdoor stage on the Downtowner/Burger Moes parking lot at 242 West Seventh Street; and

WHEREAS, applicant is seeking a variance for the hours of 8:00 p.m. to 11:00 p.m. on April 9, 2011; and

WHEREAS, if applicant is not granted a variance it will not be able to present the amplified concert at 242 West Seventh Street; 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 Visit Saint Paul, subject to the following conditions:

- 1) The variance shall be for the hours of 8:00 p.m. to ~~11:00~~ 10:30 p.m. on April 9, 2011.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 90 dBA, as measured at 50 feet from the noise source.
- 3) The applicant shall provide personnel and equipment who shall provide continuous sound level monitoring at the stage and 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 11:00 p.m. on April 9, 2011.

FURTHER RESOLVED, that any violations of the conditions set above on the April 9, 2011 date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Visit Saint Paul, represented by Adam Johnson, Vice President of Marketing, has requested an exemption from the sound level limitations in Chapter 293.07 in order to allow a sound system for a concert, with limitations, during the College Hockey Fan Fest, on an outdoor stage on the Downtowner/Burger Moes parking

lot at 242 West Seventh Street, from 8:00 p.m. until ~~11:00~~ 10:30 p.m. on April 9, 2011. 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