



## Legislation Text

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**File #:** RES PH 17-273, **Version:** 1

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Approving the application of Fred Shepherd, Event Architects / Minnesota Public Radio, for a sound level variance in order to present announcements and amplified music at Landmark Plaza and Ecolab Plaza during the Minnesota Public Radio 50<sup>th</sup> Anniversary Street Dance on Saturday, October 7, 2017.

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, MPR, represented by Fred Shepherd, Event Architects, Event Producer, who has been designated as the responsible person on the application, has applied for a variance to present announcements and amplified music at Landmark Plaza, by Market Street and 5<sup>th</sup> Street (Stage #1), and by the Plaza by Ecolab and St Peter Street (Stage #2);

WHEREAS, applicant is seeking a variance, at a requested sound level limit of 96 dBA at 50 to 100 feet from the sound source, for the hours of 3:00 p.m. until 10:00 p.m., with a pre-event sound check from 10:00 a.m. until 2:00 p.m. on Saturday, October 7, 2017, at Landmark Plaza (Stage #1), and Ecolab Plaza (Stage #2), during the MPR 50<sup>th</sup> Anniversary Street Dance; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present announcements and amplified music at Landmark Plaza (Stage #1) and Ecolab Plaza (Stage #2); 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 MPR/Fred Shepherd, Event Architects, subject to the following conditions:

- 1) The Variances shall be for the hours of 3:00 p.m. to 10:00 p.m., with a pre-event sound check from 10:00 a.m. until 2:00 p.m. on Saturday, October 7, 2017.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 96 dBA as measured 50 feet from sound source.
- 3) The applicant shall provide personnel and equipment to ensure compliance with the sound level variance conditions. The applicant may need to provide a barrier, to act as a sound absorber to contain excess sound from leaving the area.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 10:00 p.m. on the date of the event.

FURTHER RESOLVED, that any violations of the conditions set forth above on the first date may result in revocation of the grant of a variance for the subsequent date, in addition to any criminal citation which might

issue.

MPR, represented by Fred Shepherd, Event Architects, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present announcements and amplified music, with limitations, from 3:00 p.m. until 10:00 p.m., with a pre-event sound check from 10:00 a.m. until 2:00 p.m. for Landmark Plaza, by Market Street and 5<sup>th</sup> Street (Stage #1), and the Plaza between the Ecolab Building and St Peter Street (Stage #2), on Saturday, October 7, 2017, during the MPR 50<sup>th</sup> Anniversary Street Dance Event. 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