



Legislation Text

File #: RES PH 12-156, **Version:** 1

Approving the application of Lao Family Community of MN, Inc. for a sound level variance in order to provide amplified sound from 11:00 a.m. until 8:00 p.m. on June 30, 2012 and from 10:00 a.m. until 8:00 p.m. on July 1, 2012 during the Annual Summer Sports Tournament at the McMurray Fields, 1155 Jessamine Avenue.

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, Lao Family Community of MN, Inc., represented by Amee Xiong, Interim Executive Director, who has been designated as the responsible person on the application, has applied for a variance to provide amplified sound at McMurray Fields, 1155 Jessamine Avenue W.; and

WHEREAS, applicant is seeking a variance for the hours of 11:00 a.m. until 8:00 p.m. on June 30, 2012 and from 10:00 a.m. until 8:00 p.m. on July 1, 2012 during the Annual Summer Sports Tournament; and

WHEREAS, if applicant is not granted a variance it will not be able to provide amplified sound at 1155 Jessamine Avenue W.; 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 Lao Family Community of MN, Inc., subject to the following conditions:

- 1) The variance shall be for the hours of 11:00 a.m. until 8:00 p.m. on June 30, 2012 and from 10:00 a.m. until 8:00 p.m. on July 1, 2012.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 85 dBA as measured at 50 feet from the music stage, and 75 dBA from the merchandise area and soccer field speakers as measured at the nearest residential receiver.
- 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 8:00 p.m. on each event date.

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.

Lao Family Community of MN, Inc., represented by Amee Xiong, Interim Executive Director, has requested an

exemption from the sound level limitations in Chapter 293.07 in order to provide amplified sound, with limitations, from 11:00 a.m. until 8:00 p.m. on June 30, 2012 and from 10:00 a.m. until 8:00 p.m. on July 1, 2012 during the Annual Summer Sports Tournament. 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