



## Legislation Text

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**File #:** RES PH 15-232, **Version:** 1

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Approving the application of ALS Association Minnesota North Dakota South Dakota Chapter, Walk to Defeat ALS Event for a sound level variance in order to present outdoor music and announcements at a Walk to Defeat ALS Event 2015, on Saturday, September 19, 2015 at Lake Phalen 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, the ALS Association Minnesota North Dakota South Dakota Chapter, Walk to Defeat ALS Event, represented by Jessica Jesswein, Development Manager, who has been designated as the responsible person on the application, has applied for a variance to present outdoor music and announcements at the Lake Phalen Park during a Walk to Defeat ALS Event; and

WHEREAS, applicant is seeking a variance for the hours of 8:00 a.m. to 1:00 p.m., with a pre-event sound check at 8:00 a.m. on Saturday, September 19, 2015; and

WHEREAS, if applicant is not granted a variance it will not be able to present outdoor music and microphone speaking at the Lake Phalen 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 the ALS Association Minnesota North Dakota South Dakota Chapter, subject to the following conditions:

- 1) The variance shall be for the hours of 8:00 a.m. to 1:00 p.m. on Saturday, September 19, 2015.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 85 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 all stages 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 1:00 p.m. on September 19, 2015.

FURTHER RESOLVED, that any violations of the conditions set forth above on the September 19, 2015 event date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

The ALS Association Minnesota North Dakota South Dakota Association, Walk to Defeat ALS Event, represented by Jessica Jesswein, has requested an exemption from the sound level limitations in Chapter

293.07 in order to present outdoor music and announcements, with limitations, from 8:00 a.m. to 1:00 p.m. on Saturday, September 19, 2015 at the Lake Phalen Park during a charitable Walk to Defeat ALS 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