



## Legislation Text

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**File #:** RES PH 14-239, **Version:** 2

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Approving the application of St. Paul Saints Baseball Club Inc. for a sound level variance to present amplified music and use of a public address system outdoors between 5:30 p.m. and 11:00 p.m. on Saturday, September 13, 2014 at Midway Stadium, 1771 Energy Park Drive.

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 St Paul Saints Baseball Club, Inc., represented by Tom Whaley, Executive Vice President, who has been designated as the responsible person on the application, has applied for a variance to present outdoor amplified music and use of public address system at Midway Stadium, 1771 Energy Park Drive; and

WHEREAS, applicant is seeking a variance for the hours of 5:30 p.m. to 11:00 p.m. to present amplified music and use of a public address system outdoors, on Saturday, September 13, 2014, for a Concert Event; and

WHEREAS, if applicant is not granted a variance it will not be able to present outdoor live bands with use of a public address system outdoors at Midway Stadium, 1771 Energy Park Drive; 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 St Paul Saints Baseball Club Inc., subject to the following conditions:

- 1) The variance will be for a Concert Event with live band amplified music and use of a public address system, and the hours of 5:30 p.m. to 11:00 p.m., on Saturday, September 13, 2014;
- 2) All electronically powered equipment, PA systems, loudspeakers or similar devices used in conjunction with the event must not exceed 100 dBA as measured ~~50 feet from sound source~~ at the sound mix.
- 3) The applicant will provide personnel and equipment to ensure compliance with the sound level variance conditions.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices must be turned off no later than 11:00 p.m. on Saturday, September 13, 2014.

FURTHER RESOLVED, that any violations of the conditions set forth above, may result in denial of any future variances, in addition to any criminal citation which may be issued.

St Paul Saints Baseball Club, Inc., represented by Tom Whaley, Executive Vice President, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present outdoor live bands with use of a public address system, with limitations, from 5:30 p.m. to 11:00 p.m. on Saturday, September 13, 2014, for a

Concert Event at Midway Stadium, 1771 Energy Park Drive. 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