



## Legislation Text

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**File #:** RES PH 24-96, **Version:** 1

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Approving the application of Hot Summer Jazz Festival for a sound level variance in order to present live amplified sound on June 21 and 22, 2024 at 221 5<sup>th</sup> St. E. - Mears 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, Hot Summer Jazz Festival, represented by Dayna Martinez, Executive Director, who has been designated as the responsible person on the application, has applied for a variance, for 95 dBA measured at 100 ft from the sound source at Mears Park, to present amplified sound; and

WHEREAS, applicant has requested a variance for the hours from 12:00 p.m. to 10:00 p.m., with a pre-event sound check at 11:00 a.m. on Friday, June 21 and Saturday, June 22, 2024 for the Hot Summer Jazz Festival - Twin Cities Jazz Festival event; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified sound at 221 5<sup>th</sup> St. E. - Mears 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 Hot Summer Jazz Festival, subject to the following conditions:

- 1) The Variance shall be for the hours of 12:00 p.m. to 10:00 p.m., with a pre-event sound check at 11:00 a.m. on Friday, June 21 and Saturday, June 22, 2024.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 90 dBA as measured at 50 feet from all sound sources from 12:00 p.m. until 3:59 p.m. and shall not exceed 92 dBA as measured at 50 feet from 4:00 p.m. until 10:00 p.m. on Friday, June 21 and shall not exceed 92 dBA as measured at 50 feet from all sound sources from 12:00 p.m. until 10:00 p.m. on Saturday, June 22, 2024.
- 3) The applicant shall provide personnel and equipment who shall provide continuous sound level monitoring at each sound source during the hours of the variance.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 10:00 p.m. June 21 and 22, 2024, the event dates.

FURTHER RESOLVED, that any violations of the conditions set forth above on the June 21 and 22, 2024 dates may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Hot Summer Jazz Festival, represented by Dayna Martinez, has requested an exemption from the sound level

limitations in Chapter 293.07 in order to present amplified sound, with limitations, from 12:00 p.m. to 10:00 p.m., with a pre-event sound check at 11:00 a.m. on Friday, June 21 and Saturday, June 22, 2024 at 221 5<sup>th</sup> St. E. - Mears Park 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