



Legislation Text

File #: RES PH 19-147, **Version:** 1

Approving the application of Tawfiq Islamic Center for a sound level variance to provide amplified sound at 270 Lexington Parkway North on Tuesday June 4 and Wednesday, June 5, 2019 for Eidul-Fitr.

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, Tawfiq Islamic Center, represented by Arif Bakar, who has been designated as the responsible person on the application, has applied for a variance, at a requested sound level limit of 80 decibels (dBA) at no specified distance, for the hours of 6:30 a.m. to 10:00 a.m. with a pre-event sound check from 6:00 a.m. to 6:30 a.m., to provide amplified music and announcements at 270 Lexington Pkwy. N., and

WHEREAS, applicant is seeking a variance for the hours of 6:30 a.m. until 10:00 a.m. on Tuesday, June 4 and Wednesday, June 5, 2019 during the Eidul-Fitr; and

WHEREAS, if applicant is not granted a variance they will not be able to provide amplified music and announcements at the Eidel-Fitr, at 270 Lexington Pkwy. N.; 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 sound level variance to Tawfiq Islamic Center, subject to the following conditions:

- 1) The Variance will be for the hours of 7:00 a.m. until 10:00 a.m. with a pre-event sound check at 7:00 a.m. on Tuesday, June 4 and Wednesday, June 5, 2019.
- 2) All electronically powered equipment, PA systems, loudspeakers or similar devices used in conjunction with the event must not exceed 75 dBA as measured at 50 feet from any stage.
- 3) The applicant will provide personnel and equipment, who will conduct sound level monitoring during the event, to ensure compliance with the variance conditions.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices must be turned off no later than 10:00 a.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.

Tawfiq Islamic Center, represented by Arif Bakar, has requested an exemption from the sound level limitations in Chapter 293.07 in order to provide amplified sound, with limitations, from 6:30 a.m. until 10:00 a.m. with a

pre-event sound check, on June 4 and June 5, 2019 during the Eidul-Fitr, 270 Lexington Pkwy. N.. 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