



## Legislation Details (With Text)

**File #:** RES PH 12- 264      **Version:** 1

**Type:** Resolution-Public Hearing      **Status:** Passed

**In control:** City Council

**Final action:** 9/5/2012

**Title:** Approving the application of the Church of St. Pascal Baylon for a sound level variance in order to allow amplified music from 7:00 p.m. until 11:00 p.m. on September 15, 2012 at 430 White Bear Ave North, John Ryan Field.

**Sponsors:** Kathy Lantry

**Indexes:**

**Code sections:**

**Attachments:** 1. Church of St. Pascal SLV Application.pdf, 2. Church of St. Pascal ENS.pdf, 3. Church of St. Pascal Applicant Notification Letter.pdf, 4. Church of St. Pascal District Council 1 Notification.pdf, 5. Church of St. Pascal Map.pdf, 6. Church of St. Pascal Property Owner List.pdf, 7. Church of St. Pascal Example.pdf

Date	Ver.	Action By	Action	Result
9/12/2012	1	Mayor's Office	Signed	
9/5/2012	1	City Council	Adopted	Pass

Approving the application of the Church of St. Pascal Baylon for a sound level variance in order to allow amplified music from 7:00 p.m. until 11:00 p.m. on September 15, 2012 at 430 White Bear Ave North, John Ryan Field.

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 Church of St. Pascal, represented by Ronald Rice, Business Manager, who has been designated as the responsible person on the application, has applied for a variance to allow amplified music at 430 White Bear Ave North (John Ryan Field); and

WHEREAS, applicant has requested a variance for the hours of 7:00 p.m. to 11:00 p.m. on September 15, 2012; and

WHEREAS, if applicant is not granted a variance it will not be able to allow amplified music at 430 White Bear Ave North (John Ryan Filed); 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 Church of St. Pascal Baylon, subject to the following conditions:

- 1) The variance shall be for the hours of 7:00 p.m. to 11:00 p.m. on September 15, 2012.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 85 dBA as measured inside the tent at the wall opposite the sound source.
- 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 11:00 p.m. on the event date.

FURTHER RESOLVED, that any violations of the conditions set forth above on the September 15, 2012 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 Church of St. Pascal Baylon, represented by Ronald Rice, Business Manager, has requested an exemption from the sound level limitations in Chapter 293.07 in order to allow amplified music, with limitations, from 7:00 p.m. to 11:00 p.m. on September 15, 2012. 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