



## Legislation Details (With Text)

**File #:** RES PH 13- 118 **Version:** 1

**Type:** Resolution-Public Hearing **Status:** Passed  
**In control:** City Council  
**Final action:** 6/5/2013

**Title:** Approving the application of Stacy Duke, Production Manager, for a sound level variance to present a dusk-to-dawn participatory art event called Northern Spark from 9:00 p.m. on June 8, 2013 to 5:30 a.m. on June 9, 2013 at various locations in downtown Saint Paul.

**Sponsors:** Dave Thune

**Indexes:**

**Code sections:**

**Attachments:** 1. Northern Spark - Union Depot PO List.pdf, 2. App\_Northern Spark\_2013.pdf, 3. Northern Spark - Lambert Lower Landing PO List.pdf, 4. Northern Spark - 4th Street between Broadway Robert Map.pdf, 5. ENS\_Northern Spark\_2013.pdf, 6. Northern Spark Applicant Notification Letter.pdf, 7. Northern Spark - 4th Street between Broadway Robert PO List.pdf, 8. Northern Spark - Lambert Lower Landing Map.pdf, 9. Northern Spark District Council 17 Notification Letter.pdf

Date	Ver.	Action By	Action	Result
6/7/2013	1	Mayor's Office	Signed	
6/5/2013	1	City Council	Adopted	Pass

Approving the application of Stacy Duke, Production Manager, for a sound level variance to present a dusk-to-dawn participatory art event called Northern Spark from 9:00 p.m. on June 8, 2013 to 5:30 a.m. on June 9, 2013 at various locations in downtown Saint Paul.

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, Stacy Duke, Production Manager, has been designated as the responsible person on the application, has applied for a variance to present a dusk to dawn participatory art event called Northern Spark at various locations in downtown Saint Paul; and

WHEREAS, applicant is seeking a variance for the hours beginning at 9:00 p.m. on June 8, 2013 to 5:30 a.m. on June 9, 2013; and

WHEREAS, if applicant is not granted a variance it will not be able to present various participatory art events that allow creators and performers of new media arts from around the world, to showcase their groundbreaking works of music, art, theater, and dance, that feature use of new technologies; 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 Stacy Duke, for the following events locations and subject to the following conditions:

- 1) Union Depot
  - a. Sound level shall be limited to 80 dBA as measured 50 feet from noise source.
  - b. Speakers shall be directed away from residential use properties.
- 2) Fourth Street between Broadway and Robert
  - a. Sound level shall be limited to 80 dBA as measured 50 feet from noise source.
  - b. Speakers shall be directed away from residential use properties.
- 3) Sibley Street between Kellogg Blvd & Shepard Road
  - a. Sound level shall be limited to 80 dBA as measured 50 feet from noise source.
  - b. Speakers shall be directed away from residential use properties.
- 4) Lambert's & Lower Landing Area
  - a. Sound level shall be limited to 80 dBA as measured 50 feet from noise source.
  - b. Speakers shall be directed away from residential use properties.
- 5) The applicant shall provide personnel and equipment to provide continuous sound level monitoring at all locations during the hours of the variance to ensure compliance with the conditions listed above.
- 6) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 5:30 a.m. on the event date.

FURTHER RESOLVED, that any violations of the conditions set forth above may result in a criminal citation and/or the denial of any future variance requests.

Stacy Duke, Production Manager, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present various participatory art events that allow creators and performers of new media arts from around the world, to showcase their groundbreaking works of music, art, theater, and dance, that feature use of new technologies at various Saint Paul locations from 9:00 p.m. on June 8, 2013 to 5:30 a.m. on June 9, 2013. 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