



Legislation Details (With Text)

File #: RES PH 14- 191 **Version:** 1

Type: Resolution-Public Hearing **Status:** Passed
In control: City Council
Final action: 7/23/2014

Title: Approving the application of Tawfiq Islamic Center for a sound level variance for the outdoor Annual Eid Prayer Services on Monday, July 28th or Tuesday, July 29th, 2014; and on Sunday, October 5th or Monday, October 6, 2014; both from 7:00 a.m. to 10:30 a.m. at the Oxford Community Center Football Field, 270 Lexington Parkway North.

Sponsors: Dai Thao

Indexes: Ward - 1

Code sections:

Attachments: 1. Application, 2. ENS, 3. Map, 4. Notice to District Council, 5. Notice to Property Owners, 6. List of Property Owners, 7. Letter to Applicant, 8. Cotton opposition to Tawfiq noise variance, 9. Ellis opposition to Tawfiq noise variance

Date	Ver.	Action By	Action	Result
7/30/2014	1	Mayor's Office	Signed	
7/23/2014	1	City Council	Adopted	Pass

Approving the application of Tawfiq Islamic Center for a sound level variance for the outdoor Annual Eid Prayer Services on Monday, July 28th or Tuesday, July 29th, 2014; and on Sunday, October 5th or Monday, October 6, 2014; both from 7:00 a.m. to 10:30 a.m. at the Oxford Community Center Football Field, 270 Lexington Parkway North.

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 Oumer M Wako, Executive Director, who has been designated as the responsible person on the application, has applied for a variance for the two occasion outdoor Annual Eid Prayer Services, one on Monday, July 28th or Tuesday, July 29th, 2014, and the second occasion on Sunday, October 5 or Monday, October 6, 2014, both from 7:00 a.m. to 10:30 a.m. at the Oxford Community Center Football Field; 270 Lexington Pkwy North and

WHEREAS, applicant has requested a variance for the hours of 7:00 a.m. to 10:30 a.m. on Monday, July 28 or Tuesday, July 29, 2014 and for the second occasion, on Sunday, October 5 or Monday, October 6, 2014; and

WHEREAS, if applicant is not granted a variance it will not be able to have the two occasion outdoor Annual Eid Prayer Services at the Oxford Community Center Football Field, 270 Lexington Pkwy North; 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 Tawfiq Islamic Center, subject to the following conditions:

- 1) The variance shall be for the hours of 7:00 a.m. to 10:30 a.m. on two occasions, the first is either Monday, July 28 or Tuesday, July 29, 2014, and the second occasion is either Sunday, October 5 or Monday, October 6, 2014.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 75 dBA as measured 50 feet from any sound source used for prayer and/or announcements.
- 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 10:30 a.m. on the event dates.

FURTHER RESOLVED, that any violations of the conditions set forth above on the first occasion of Monday, July 28 or Tuesday, July 29, 2014, and the second occasion of Sunday, October 5 or Monday, October 6, 2014 dates may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Tawfiq Islamic Center, represented by Oumer M Wako, Executive Director, has requested an exemption from the sound level limitations in Chapter 293.07 for the two occasion outdoor Annual Eid Prayer Services, one on Monday, July 28 or Tuesday, July 29, 2014 and the second occasion on Sunday, October 5 or Monday, October 6, 2014, from 7:00 a.m. to 10:30 a.m. at the Oxford Community Center Football Field, 270 Lexington Pkwy North. 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