



Legislation Details (With Text)

File #: RES PH 14- 214 **Version:** 1

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

In control: City Council

Final action: 8/6/2014

Title: Approving the application of Midwest Latino Entertainment & Talent, Inc., Latin Festival Event for a sound level variance in order to present outdoor music and announcements on Sunday, August 10, 2014 from 12:00 p.m. to 10:00 p.m. near the corner of Plato Boulevard and Livingston Avenue.

Sponsors: Dave Thune

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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

Date	Ver.	Action By	Action	Result
8/11/2014	1	Mayor's Office	Signed	
8/6/2014	1	City Council	Adopted	Pass

Approving the application of Midwest Latino Entertainment & Talent, Inc., Latin Festival Event for a sound level variance in order to present outdoor music and announcements on Sunday, August 10, 2014 from 12:00 p.m. to 10:00 p.m. near the corner of Plato Boulevard and Livingston Avenue.

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 Midwest Latino Entertainment & Talent, Inc., Latin Festival Event, represented by Maya Santamaria, Owner and President, who has been designated as the responsible person on the application, has applied for a variance to present outdoor music and announcements near the corner of Plato Blvd and Livingston Avenue during a Latin Festival Event; and

WHEREAS, applicant is seeking a variance for the hours of 12:00 p.m. to 10:00 p.m. on Sunday, August 10, 2014, 2014; and

WHEREAS, if applicant is not granted a variance it will not be able to present outdoor music and announcements near the corner of Plato Blvd and Livingston Avenue; 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 Midwest Latino Entertainment & Talent, Inc., subject to the following conditions:

- 1) The variance shall be for the hours of 12:00 p.m. to 10:00 p.m. on Sunday, August 10, 2014.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 85 dBA, as measured at 50 feet from the noise source.
- 3) The applicant shall provide personnel and equipment who shall provide continuous sound level monitoring at all stages and 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 10:00 p.m. on August 10, 2014.

FURTHER RESOLVED, that any violations of the conditions set forth above on the August 10, 2014 event 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 Midwest Latino Entertainment & Talent Inc., Latin Festival Event, represented by Maya Santamaria, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present outdoor music and announcements, with limitations, from 12:00 p.m. to 10:00 p.m. on Sunday, August 10, 2014 near the corner of Plato Blvd and Livingston Avenue during a charitable Latin Festival Event. 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