## Legislation Details (With Text)

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| **File #:** | RES PH 14-242 | **Version:** | 1 | |
| **Type:** | Resolution-Public Hearing | **Status:** | Passed | |
| | | **In control:** | City Council | |
| | | **Final action:** | 9/3/2014 | |

**Title:** Approving the application of Twin Cities Jazz Festival for a sound level variance in order to present amplified live music from 7:00 p.m. until 10:00 p.m. on Thursday, September 4, 2014; and from 4:00 p.m. to 10:00 p.m. on Friday, September 5, 2014 and Saturday, September 6, 2014 during the Concrete and Grass Music Festival at Mears Park.

**Sponsors:** Dave Thune

**Indexes:** Ward - 2

**Code sections:**

**Attachments:** 1. Application, 2. ENS, 3. Map, 4. Notice to District Ccouncil, 5. Notice Property Owners, 6. List of Property Owners, 7. Letter to Applicant

| Date | Ver. | Action By | Action | Result |
|---|---|---|---|---|
| 9/5/2014 | 1 | Mayor's Office | Signed | |
| 9/3/2014 | 1 | City Council | Adopted | Pass |

Approving the application of Twin Cities Jazz Festival for a sound level variance in order to present amplified live music from 7:00 p.m. until 10:00 p.m. on Thursday, September 4, 2014; and from 4:00 p.m. to 10:00 p.m. on Friday, September 5, 2014 and Saturday, September 6, 2014 during the Concrete and Grass Music Festival at Mears Park.

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, Twin Cities Jazz Festival, represented by Steve Heckler, Executive Director, who has been designated as the responsible person on the application, has applied for a variance to present amplified music at Mears Park; and

WHEREAS, applicant is seeking a variance for the hours of 7:00 p.m. to 10:00 p.m. on Thursday, September 4, 2014, and from 4:00 p.m. to 10:00 p.m. on Friday, September 5, 2014 and Saturday, September 6, 2014 for the Concrete and Grass Music Festival; and

WHEREAS, if applicant is not granted a variance it will not be able to present amplified live music at Mears Park; 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 Twin Cities Jazz Festival,

subject to the following conditions:

1)  The variance will be for the Concrete and Grass Music Festival and the hours of 7:00 p.m. to 10:00 p.m. on Thursday, September 4, 2014 and from 4:00 p.m. to 10:00 p.m. on Friday, September 5, 2014 and Saturday, September 6, 2014.

2)  All electronically powered equipment, PA systems, loudspeakers or similar devices used in conjunction with the event must not exceed 85 dBA as measured 50 feet from sound source.

3)  The applicant will provide personnel and equipment to ensure compliance with the sound level variance conditions.

4)  All electronically powered equipment, PA systems, loudspeakers or similar devices must be turned off no later than 10:00 p.m. on the dates of the event.

FURTHER RESOLVED, that any violations of the conditions set forth above, may result in denial of any future variances, in addition to any criminal citation which may be issued.

Twin Cities Jazz Festival, represented by Steve Heckler, Executive Director, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified music, with limitations, from 7:00 p.m. to 10:00 p.m. on Thursday, September 4, 2014 and from 4:00 p.m. to 10:00 p.m. on Friday, September 5, 2014 and Saturday, September 6, 2014 during the Concrete and Grass Music Festival at Mears Park.  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