



Legislation Details (With Text)

File #: RES PH 16- 269 **Version:** 1

Type: Resolution-Public Hearing **Status:** Passed
In control: City Council
Final action: 9/7/2016

Title: Approving the application of Jessica McMahon for a sound level variance in order to present a live band for wedding reception music on Friday, September 23, 2016 at the East Como Pavilion, 1199 Midway Parkway.

Sponsors: Russ Stark

Indexes: Ward - 4

Code sections:

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

| Date | Ver. | Action By | Action | Result |
|----------|------|----------------|---------|--------|
| 9/9/2016 | 1 | Mayor's Office | Signed | |
| 9/7/2016 | 1 | City Council | Adopted | Pass |

Approving the application of Jessica McMahon for a sound level variance in order to present a live band for wedding reception music on Friday, September 23, 2016 at the East Como Pavilion, 1199 Midway Parkway.

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, Jessica McMahon, who has been designated as the responsible person on the application, has applied for a variance, at a requested sound level limit of 85 decibels (dBA) at no specified distance, to present a live band at the East Como Pavilion at 1199 Midway Parkway; and

WHEREAS, applicant is seeking a variance for the hours of 7:00 p.m. to 9:00 p.m., with a pre-event sound check from 6:30 p.m. to 7:00 p.m. on Friday, September 23, 2016 for wedding reception music; and

WHEREAS, if applicant is not granted a variance, applicant will not be able to have amplified music and announcements during the wedding reception music at 1199 Midway Parkway; 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 Jessica McMahon, subject to the following conditions:

1) The variance will be for wedding music during the hours of 7:00 p.m. to 9:00 p.m., with a pre-event sound check from 6:30 p.m. until 7:00 p.m. on Friday, September 23, 2016.

2) All electronically powered equipment, PA systems, loudspeakers or similar devices used in conjunction with the wedding 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 9:00 p.m. on Friday, September 23, 2016.

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.

Jessica McMahon, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present a live band, from 7:00 p.m. to 9:00 p.m. on Friday, September 23, 2016 for wedding reception music at the East Como Pavilion, 1199 Midway Parkway. 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