



## Legislation Details (With Text)

**File #:** RES PH 16- 274      **Version:** 1

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

**Title:** Approving the application of West End Festivals for a sound level variance in order to present a live band and announcements at Rice Park on September 16, 17 and 18, 2016 for St. Paul Oktoberfest.

**Sponsors:** Rebecca Noecker

**Indexes:** Ward - 1

**Code sections:**

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

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 West End Festivals for a sound level variance in order to present a live band and announcements at Rice Park on September 16, 17 and 18, 2016 for St. Paul Oktoberfest.

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, West End Festivals, represented by Linda DeRoode, who has been designated as the responsible person on the application, has applied for a variance, at no specified sound level limit, to present a live band and announcements at Rice Park on Friday, September 16, 2016, Saturday, September 17, 2016 and Sunday, September 18, 2016 for St. Paul Oktoberfest; and

WHEREAS, if applicant is not granted a variance, applicant will not be able to present the live band and announcements at the Rice Park event site; 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 sound level variance to St. Paul Oktoberfest, subject to the following conditions:

- 1) The variance will be for the St. Paul Oktoberfest at Rice Park on September 16, 2016 from 4:00 p.m. until 10:00 p.m., from 10:00 a.m. until 10:00 p.m. on September 17, 2016 and from 10:00 a.m. until 5:00 p.m. on September 18, 2016.
- 2) All electronically powered equipment, PA system, loudspeaker or any similar device used in conjunction

with the event, will not exceed 85 dBA, as measured 50 feet from any stage or sound source used for music and/or announcements between the hours of 4:00 p.m. until 10:00 p.m. on Friday, September 16, 2016, from 10:00 a.m. until 10:00 p.m. on Saturday, September 17, 2016 and 10:00 a.m. until 5:00 p.m. on Sunday, September 18, 2016.

- 3) The applicant shall provide personnel and equipment to ensure compliance with the variance conditions.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices will be turned off by 10:00 p.m. on September 16 and 17, 2016, and by 5:00 p.m. on September 18, 2016.

FURTHER RESOLVED, that any violations of the conditions set forth above on any of the dates may result in revocation of the grant of a variance for the subsequent date(s), in addition to any criminal citation which might issue.

West End Festivals, represented by Linda DeRoode, Director of Festivals, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present a live band and announcements from 4:00 p.m. to 10:00 p.m. on Friday, September 16, 2016, from 10:00 a.m. until 10:00 p.m. on Saturday, September 17, 2016, and from 10:00 a.m. until 5:00 p.m. on Sunday, September 18, 2016 for St. Paul Oktoberfest. 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