



Legislation Details (With Text)

File #: RES PH 16- 284 **Version:** 1

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

Title: Approving the application of Maureen McGuire and Andrew Dull for a sound level variance in order to present outdoor ambient music with speakers on Saturday, September 10, 2016 for a wedding event at 666 Fairmount Avenue.

Sponsors: Rebecca Noecker

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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 Maureen McGuire and Andrew Dull for a sound level variance in order to present outdoor ambient music with speakers on Saturday, September 10, 2016 for a wedding event at 666 Fairmount 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, Maureen McGuire, who has been designated as the responsible person on the application, has applied for a variance, at a requested sound level of 85 dBA at no specified distance to present outdoor ambient music with speakers at 666 Fairmount Avenue; and

WHEREAS, applicant is seeking a variance for the hours of 6:00 p.m. to 10:00 p.m., with a pre-event sound check from 5:00 p.m. until 6:00 p.m. on Saturday, September 10, 2016 for outdoor ambient music with speakers; and

WHEREAS, if applicant is not granted a variance applicant will not be able to have outdoor ambient music and announcements during the Nikki and Peter's Wedding Event at 666 Fairmount 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 Maureen McGuire and Andrew Dull subject to the following conditions:

- 1) The variance will be for outdoor ambient music with speakers during the hours of 6:00 p.m. to 10:00 p.m., with a pre-event sound check from 5:00 p.m. until 6:00 p.m. on Saturday, September 10, 2016.
- 2) All electronically powered equipment, PA systems, loudspeakers or similar devices used in conjunction with the outdoor ambient music 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 Saturday, September 10, 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.

Maureen McGuire and Andrew Dull, have requested an exemption from the sound level limitations in Chapter 293.07 in order to present outdoor ambient music with speakers, from 6:00 p.m. to 10:00 p.m., with a pre-event sound check from 5:00 p.m. until 6:00 p.m. on Saturday, September 10, 2016 at 666 Fairmount Avenue. 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