Legislation Details (With Text)

File #:	RES PH 18-4 **Version:** 1		
Type:	Resolution-Public Hearing	**Status:**	Passed
		In control:	City Council
		Final action:	1/3/2018
Title:	Approving the application of the Asian Economic Development Association for a sound level variance for amplified music and performances on Friday, February 2 and Saturday, February 3, 2018 for the Bold North Winter Night Market.		
Sponsors:	Rebecca Noecker		
Indexes:	Ward - 2		
Code sections:			
Attachments:	1. Application, 2. ENS, 3. Map, 4. Notice to Owners, 5. List of Owners, 6. Letter to Applicant		

Date	Ver.	Action By	Action	Result
1/10/2018	1	Mayor's Office	Signed	
1/3/2018	1	City Council	Adopted	Pass

Approving the application of the Asian Economic Development Association for a sound level variance for amplified music and performances on Friday, February 2 and Saturday, February 3, 2018 for the Bold North Winter Night Market.

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 Asian Economic Development Association, represented by Evie Mouacheupao, Event Manager, who has been designated as the responsible person on the application, has applied for a sound level variance, at a requested sound level limit of 90 decibels (dBA) at 50 feet, in order to present various activities such as amplified music, performances, and announcements at 290 5th Street East for the Bold North Winter Night Market; and

WHEREAS, applicant is seeking a variance, at a requested sound level limit of 90 dBA at a distance of 50 feet from the sound source, for the hours of 4:00 p.m. to 10:00 p.m. on Friday, February 2 and Saturday, February 3, 2018, with a pre-event sound check from 3:30 p.m. to 4:00 p.m. for the Bold North Winter Night Market; and

WHEREAS, if the applicant is not granted a variance, applicant will not be able to present various activities such as amplified music, performances and announcements; 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 the Asian Economic Development Association, subject to the following conditions:

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1) The variance will be for the Bold North Winter Night Market from 4:00 p.m. to 10:00 p.m. on Friday, February 2 and Saturday, February 3, 2018, with a pre-event sound check from 3:30 p.m. to 4:00 p.m. at 290 5th Street East.

2) All electronically powered equipment, PA systems, loudspeakers or similar devices used in conjunction with the event must not exceed 90 dBA as measured 50 feet from any stage or sound source from 4:00 p.m. to 10:00 p.m. on Friday, February 2 and Saturday, February 3, 2018.

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 days of the event.

5) The Asian Economic Development Association must maintain a copy of the approved sound level variance at the event location and have it available for review by the City of Saint Paul Police or inspection personnel.

FURTHER RESOLVED, that any violation of the conditions set forth above may result in revocation of this variance for any subsequent dates and/or the denial of any future variance requests, in addition to any criminal citation which might issue.

The Asian Economic Development Association, represented by Evie Mouacheupao, Event Manager, has requested an exemption from the sound level limitations in Chapter 293 to be able to present various activities such as amplified music, performances, and announcements, at the outdoor Farmer's Market site, 290 5th Street E, from 4:00 p.m. to 10:00 p.m. on Friday, February 2 and Saturday, February 3, 2018, with a pre-event sound check at 3:30 p.m., for the Bold North Winter Night Market. 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

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