Legislation Details (With Text)

File #:	RES PH 18-256 **Version:** 1		
Type:	Resolution-Public Hearing	**Status:**	Passed
		In control:	City Council
		Final action:	9/5/2018
Title:	Approving the application of the American Foundation for Suicide Prevention for a sound level variance to present announcements and amplified music on Sunday, September 16, 2018 at Como Park Pavilion for the Out of the Darkness Walk.		
Sponsors:	Samantha Henningson		
Indexes:	Ward - 2, Ward - 3, Ward - 4		
Code sections:			
Attachments:	1. Application, 2. ENS, 3. Map, 4. Letter to Applicant, 5. D10-Variance-OutofDarkness		

Date	Ver.	Action By	Action	Result
9/6/2018	1	Mayor's Office	Signed	
9/5/2018	1	City Council	Adopted	Pass

Approving the application of the American Foundation for Suicide Prevention for a sound level variance to present announcements and amplified music on Sunday, September 16, 2018 at Como Park Pavilion for the Out of the Darkness Walk.

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, American Foundation for Suicide Prevention, represented by Erik Arveseth, has applied for a variance, at a sound level limit of 90 decibels (dBA) at 50 feet, to present live and DJ music and announcements at the Como Park Pavilion, 1199 Midway Parkway; and

WHEREAS, applicant is seeking a variance for the hours of 9:00 a.m. until 1:00 p.m., with a pre-event sound check at 8:30 a.m. on Sunday, September 16, 2018 at Como Park Pavilion for the Out the Darkness Walk; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present announcements and amplified 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 the American Foundation for Suicide Prevention subject to the following conditions:

1) The variance shall be for the hours of 9:00 a.m. to 1:00 p.m., with a pre-event sound check at 8:30 a.m. on Sunday, September 16, 2018.

2) All electronically powered equipment used in conjunction with the event shall not exceed 90 dBA as measured 50 feet from sound source.

3) The applicant shall provide personnel and equipment to ensure compliance with the sound level variance conditions. The applicant may need to provide a barrier, to act as a sound absorber to contain excess sound from leaving the area.

4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 1:00 p.m. on the date of the event.

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

American Foundation for Suicide Prevention has requested an exemption from the sound level limitations in Chapter 293.07 in order to present announcements and amplified music, with limitations, from 9:00 a.m. to 1:00 p.m., on Sunday, September 16, 2018, for the Out of the Darkness Walk at the Como Park 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

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