Legislation Details (With Text)

File #:	RES PH 18-264 **Version:** 1		
Type:	Resolution-Public Hearing	**Status:**	Passed
		In control:	City Council
		Final action:	9/5/2018
Title:	Approving the application of B Horst Productions for a sound level variance to present amplified music for the Beats in Boyd concert series on Fridays, September 7, September 14 and September 21, 2018 in Boyd Park. (Note: modified time schedule from original variance request granted by Council on August 15, 2018)		
Sponsors:	Dai Thao		
Indexes:	Ward - 2		
Code sections:			
Attachments:	1. Application, 2. ENS, 3. Map, 4. Notice to Owners, 5. List of Owners, 6. Letter to Applicant, 7. Casarez email re Beats in Boyd SLV		

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 B Horst Productions for a sound level variance to present amplified music for the Beats in Boyd concert series on Fridays, September 7, September 14 and September 21, 2018 in Boyd Park. *(Note: modified time schedule from original variance request granted by Council on August 15, 2018)*

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, B Horst Productions, represented by Brian Horst, President, has applied for a sound level variance, at a requested level of 90 dBA at no specified distance to present amplified music for concerts from 6:00 p.m. until 10:00 p.m., with a pre-event sound check from 5:00 to 6:00 p.m., on three (3) Fridays, September 7, September 14 and September 21, 2018 in Boyd Park, 335 Selby Avenue; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present the amplified music in Boyd Park; 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 B Horst Productions subject to the following conditions:

1) The variance will be for amplified music for the hours from 6:00 p.m. until 10:00 p.m., with a pre-event sound check from 5:00 to 6:00 p.m., on three (3) Fridays, September 7, September 14 and September 21, 2018.

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2) All electronically powered equipment, PA systems, loudspeakers or similar devices used in conjunction with the music concert events must not exceed 90 dBA, as measured at 50 feet from the noise source from 6:00 p.m. until 10:00 p.m.

3) The applicant shall provide personnel and equipment who will provide sound level monitoring to ensure compliance with the sound level variance conditions.

4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 10:00 p.m. on three (3) Fridays, September 7, September 14 and September 21, 2018.

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

B Horst Productions has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified music for concerts from 6:00 p.m. until 10:00 p.m., with a pre-event sound check from 5:00 to 6:00 p.m., on three (3) Fridays, September 7, September 14 and September 21, 2018 in Boyd Park. 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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