



Legislation Details (With Text)

File #: RES PH 19- 212 **Version:** 1

Type: Resolution-Public Hearing **Status:** Passed
In control: City Council
Final action: 7/10/2019

Title: Approving the application of ADA of the Midwest for a sound level variance to present amplified and live music on Wednesday, July 17, 2019 during the Dairy Food Truck Festival at Rice Park.

Sponsors: Rebecca Noecker

Indexes: Ward - 2

Code sections:

Attachments: 1. Application, 2. ENS, 3. Map, 4. Notice to Owners, 5. Owners List, 6. Letter to Applicant, 7. Houle letter re ADA SLV

Date	Ver.	Action By	Action	Result
7/16/2019	1	Mayor's Office	Signed	
7/10/2019	1	City Council	Adopted	Pass

Approving the application of ADA of the Midwest for a sound level variance to present amplified and live music on Wednesday, July 17, 2019 during the Dairy Food Truck Festival at Rice Park.

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, ADA of the Midwest, represented by Dulcea Arden, Event Coordinator, has applied for a variance, with a requested sound level limit of 85 decibels (dBA) at no specified distance, to present amplified and live music at Rice Park; and

WHEREAS, applicant is seeking a variance for Wednesday, July 17, 2019 from 6:00 p.m. until 9:00 p.m., with a pre-event sound check at 5:30 p.m. for the Dairy Food Truck Festival; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified music at Rice 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 ADA of the Midwest, subject to the following conditions:

1) The Variance will be for the Dairy Food Truck Festival on Wednesday, July 17, 2019 from 6:00 p.m. until 9:00 p.m., with a pre-event sound check at 5:30 p.m.

2) All electronically powered equipment, PA systems, loudspeakers or similar devices used in conjunction with the event 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 9:00 p.m. on the date of the event.

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.

ADA of the Midwest, represented by Dulcea Arden, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified and live music, with limitations, on July 17, 2019 from 6:00 p.m. until 9:00 p.m., with a pre-event sound check at 5:30 p.m. during the Dairy Food Truck Festival at Rice 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