



Legislation Details (With Text)

File #: RES PH 19- 334 **Version:** 1

Type: Resolution-Public Hearing **Status:** Passed

In control: City Council

Final action: 10/9/2019

Title: Approving the application of Leukemia and Lymphoma Society for a sound level variance for amplified music and fireworks during the Light the Night event on October 13, 2019 at Harriet Island.

Sponsors: Rebecca Noecker

Indexes: Ward - 2

Code sections:

Attachments: 1. Application, 2. ENS, 3. Map, 4. Owners List, 5. Notice to Owners, 6. Letter to Applicant

| Date | Ver. | Action By | Action | Result |
|------------|------|----------------|---------|--------|
| 10/11/2019 | 1 | Mayor's Office | Signed | |
| 10/9/2019 | 1 | City Council | Adopted | Pass |

Approving the application of Leukemia and Lymphoma Society for a sound level variance for amplified music and fireworks during the Light the Night event on October 13, 2019 at Harriet Island.

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, Leukemia and Lymphoma Society, represented by Teri Cannon, Executive Director, who has been designated as the responsible person on the application, has applied for a variance, at no specified sound level limit or distance, to present amplified music and fireworks at Harriet Island; and

WHEREAS, applicant has requested a variance for the hours from 4:00 p.m. to 9:00 p.m., with a pre-event sound check at 3:00 p.m. on Sunday, October 13, 2019 for the Light the Night event; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified music at Harriet Island; 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 Leukemia and Lymphoma Society, subject to the following conditions:

- 1) The Variance shall be for the hours from 4:00 p.m. to 9:00 p.m., with a pre-event sound check at 3:00 p.m. on Sunday, October 13, 2019.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 85 dBA as

measured at 50 feet from all sound sources.

3) The applicant shall provide personnel and equipment who shall provide continuous sound level monitoring at each sound mix during the hours of the variance.

4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 9:00 p.m. on Sunday, October 13, 2019, the event date.

FURTHER RESOLVED, that any violations of the conditions set forth above on the Sunday, October 13, 2019 date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Leukemia and Lymphoma Society, represented by Teri Cannon, have requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified music and fireworks, with limitations, from 4:00 p.m. until 9:00 p.m. on Sunday, October 13, 2019. 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