



Legislation Details (With Text)

File #: RES PH 21- 205 **Version:** 1

Type: Resolution-Public Hearing **Status:** Passed
In control: City Council
Final action: 8/18/2021

Title: Approving the application of MDVA for a sound level variance in order to present amplified sound on September 10 and 11, 2021, 2021 at 75 Rev Dr Martin Luther King Jr Boulevard - MN State Capitol, Upper Mall.

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 |
|-----------|------|----------------|---------|--------|
| 8/20/2021 | 1 | Mayor's Office | Signed | |
| 8/18/2021 | 1 | City Council | Adopted | Pass |

Approving the application of MDVA for a sound level variance in order to present amplified sound on September 10 and 11, 2021, 2021 at 75 Rev Dr Martin Luther King Jr Boulevard - MN State Capitol, Upper Mall.

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, MDVA, represented by Mike McElhiney, MDVA Chief of Staff, who has been designated as the responsible person on the application, has applied for a variance, for a requested sound level limit of 90 dBA measured at no specific from the sound source, to present amplified sound at 75 Rev Dr Martin Luther King Jr Boulevard - MN State Capitol; and

WHEREAS, applicant has requested a variance for the hours from 6:00 p.m. to 8:00 p.m. on Friday, September 10 and 7:30 a.m. to 2:30 p.m. on Saturday, September 11, 2021 with a pre-event sound check at 6:00 p.m. to 8:00 p.m. on Friday, September 10 and 5:30 a.m. to 7:00 a.m. on Saturday, September 11, 2021 for 9-11 Day of Remembrance; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified sound at 75 Rev Dr Martin Luther King Jr Boulevard - MN State Capitol; 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 MDVA, subject to the following conditions:

- 1) The Variance shall be for the hours from 6:00 p.m. to 8:00 p.m. on Friday, September 10 and 7:30 a.m. to 2:30 p.m. on Saturday, September 11, 2021 with a pre-event sound check from 6:00 p.m. to 8:00 p.m. on Friday, September 10 and 6:30 a.m. to 7:00 a.m. on Saturday, September 11, 2021.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 90 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 source during the hours of the variance.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 8:00 p.m. on Friday, September 10, 2021 and 2:30 pm on Saturday, September 11, 2021, the event dates.

FURTHER RESOLVED, that any violations of the conditions set forth above on September 10 and 11, 2021 dates may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

MDVA, represented by Mike McElhiney, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified sound, with limitations, from 6:00 p.m. to 8:00 p.m. on Friday, September 10 and 7:30 a.m. to 2:30 p.m. on Saturday, September 11, 2021. 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