



Legislation Details (With Text)

File #: RES PH 22- 95 **Version:** 1

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

In control: City Council

Final action: 4/27/2022

Title: Approving the application of Tawfiq Islamic Center for a sound level variance in order to present live amplified sound on May 1 or 2, 2022 at 270 Lexington Parkway North - Oxford Community Center.

Sponsors: Dai Thao

Indexes: Ward - 1

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 |
|-----------|------|----------------|---------|--------|
| 5/4/2022 | 1 | Mayor's Office | Signed | |
| 4/27/2022 | 1 | City Council | Adopted | Pass |

Approving the application of Tawfiq Islamic Center for a sound level variance in order to present live amplified sound on May 1 or 2, 2022 at 270 Lexington Parkway North - Oxford Community Center.

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, Tawfiq Islamic Center, represented by Shamsudin Omar, TIC Council Member, who has been designated as the responsible person on the application, has applied for a variance, for 80 dBA measured at no specified distance from the sound source at 270 Lexington Pkwy. N. - Oxford Community Center, to present amplified sound; and

WHEREAS, applicant has requested a variance for the hours from 6:30 a.m. to 10:30 a.m. on May 1 or 2, 2022 with a pre-event sound check from 6:30 a.m. to 7:00 a.m. for the Eid-al-Fitr event; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified sound at 270 Lexington Pkwy. N.; 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 Tawfiq Islamic Center, subject to the following conditions:

1) The Variance shall be for the hours from 7:00 a.m. to 10:30 a.m. on Sunday, May 1, or Monday, May 2, 2022 with a pre-event sound check at 7:00 a.m.

- 2) All electronically powered equipment used in conjunction with the event shall not exceed 75 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 the 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 10:30 a.m. May 1 or 2, 2022, the event date.

FURTHER RESOLVED, that any violations of the conditions set forth above on the May 1 or 2, 2022 date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Tawfiq Islamic Center, represented by Shamsudin Omar, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified sound, with limitations, from 6:30 a.m. until 10:30 a.m. on May 1 or 2, 2022 at 270 Lexington Pkwy. N. 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