



## Legislation Details (With Text)

<b>File #:</b>	RES PH 22- 227	<b>Version:</b>	1
<b>Type:</b>	Resolution-Public Hearing	<b>Status:</b>	Passed
		<b>In control:</b>	City Council
		<b>Final action:</b>	8/24/2022
<b>Title:</b>	Approving the application of Nativity of Our Lord Catholic Church for a sound level variance in order to present amplified sound on September 16 - 18, 2022 at 1900 Wellesley Ave - Nativity Elementary School		
<b>Sponsors:</b>	Chris Tolbert		
<b>Indexes:</b>	Ward - 3		
<b>Code sections:</b>			
<b>Attachments:</b>	1. Application, 2. ENS, 3. Map, 4. Owner list, 5. Notice to Owners, 6. Letter to Applicant		

Date	Ver.	Action By	Action	Result
8/26/2022	1	Mayor's Office	Signed	
8/24/2022	1	City Council	Adopted	Pass

Approving the application of Nativity of Our Lord Catholic Church for a sound level variance in order to present amplified sound on September 16 - 18, 2022 at 1900 Wellesley Ave - Nativity Elementary School

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, Nativity of Our Lord Catholic Church, represented by Peter Wanning, Attorney, who has been designated as the responsible person on the application, has applied for a variance, for 90 dBA at no specified distance, to present amplified sound for the Nativity County Fair at 1900 Wellesley Ave - Nativity Elementary School; and

WHEREAS, applicant has requested a variance for the hours of 5:00 p.m. to 10:00 p.m. on Friday, September 16, 2022 with a pre-event sound check at 3:00 p.m., 12:00 p.m. to 10:00 p.m. on Saturday, September 17, 2022, and 10:30 a.m. to 3:00 p.m. on Sunday, September 18, 2022 for the Nativity County Fair; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified sound at 1900 Wellesley Ave - Nativity Elementary School; 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 Nativity of Our Lord Catholic Church, subject to the following conditions:

1) The Variance shall be for the hours of 5:00 p.m. to 10:00 p.m. on Friday, September 16, 2022 with a pre-

event sound check at 3:00 p.m., 12:00 p.m. to 10:00 p.m. on Saturday, September 17, 2022, and 10:30 a.m. to 3:00 p.m. on Sunday, September 18, 2022 for the Nativity County Fair.

- 2) All electronically powered equipment used in conjunction with the event shall not exceed 90 dBA 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 10:00 p.m. on September 16-17, 2022 and no later than 3:00 p.m. on September 18, 2022, the event dates.

FURTHER RESOLVED, that any violations of the conditions set forth above on the August 7, 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.

Nativity of Our Lord Catholic Church, represented by Peter Wanning, Attorney, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified sound, with limitations, from 5:00 p.m. to 10:00 p.m. on Friday, September 16, 2022 with a pre-event sound check at 3:00 p.m., 12:00 p.m. to 10:00 p.m. on Saturday, September 17, 2022, and 10:30 a.m. to 3:00 p.m. on Sunday, September 18, 2022. 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