



Legislation Details (With Text)

File #: RES PH 23- 82 **Version:** 1

Type: Resolution-Public Hearing **Status:** Passed
In control: City Council
Final action: 4/19/2023

Title: Approving the application of Rainbow Health for a sound level variance in order to present amplified sound on Saturday, May 13, 2023 at 1199 Midway Parkway Como Pavilion.

Sponsors: Amy Brendmoen

Indexes: Ward - 5

Code sections:

Attachments: 1. The Walk to End HIV Updated Application, 2. ENS.1, 3. Map, 4. The Walk to End HIV Event. Notice to Owners, 5. Owner list, 6. The Walk to End HIV. Letter to Applicant

Date	Ver.	Action By	Action	Result
4/20/2023	1	Mayor's Office	Signed	
4/19/2023	1	City Council	Adopted	Pass

Approving the application of Rainbow Health for a sound level variance in order to present amplified sound on Saturday, May 13, 2023 at 1199 Midway Parkway Como Pavilion.

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, Rainbow Health, represented by Morgan Logue, Events Coordinator, who has been designated as the responsible person on the application, has applied for a variance, for a sound level limit of 90 dBA at no specific distance, to present amplified sound for The Walk to End HIV event on May 13, 2023, at 1199 Midway Parkway Como Pavilion; and

WHEREAS, applicant has requested a variance for the hours of 10:00 a.m. to 2:00 p.m., with a pre-event sound check at 9 a.m. on Saturday, May 13, 2023 for The Walk to End HIV event; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified sound at 1199 Midway Parkway Como Pavilion; 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 Rainbow Health, subject to the following conditions:

- 1) The Variance shall be for the hours from 10:00 a.m. to 2:00 p.m., with a pre-event sound check at 9 a.m. on Saturday, May 13, 2023, for The Walk to End HIV event.

- 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 2:00 p.m. on May 13, 2023, the event date.

FURTHER RESOLVED, that any violations of the conditions set forth above on May 13, 2023, dates may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Rainbow Health, represented by Morgan Logue, Event Coordinator, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified sound for The Walk to End HIV event on May 13, 2023, with limitations, 10:00 a.m. to 2:00 p.m. 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