



Legislation Details (With Text)

File #: RES PH 23-121 **Version:** 1

Type: Resolution-Public Hearing **Status:** Passed
In control: City Council
Final action: 6/14/2023

Title: Approving the application of The United Hmong Family, Inc. for a sound level variance in order to present amplified sound on July 1 and 2, 2023 at 1151 Wynne Avenue - McMurray Fields.

Sponsors: Mitra Jalali

Indexes: Ward - 4

Code sections:

Attachments: 1. Application, 2. ENS, 3. Map, 4. Notice to Owner, 5. Owners List, 6. Letter to Applicant, 7. ENS.2, 8. Notice to Owner revised, 9. Letter to Applicant revised

Date	Ver.	Action By	Action	Result
6/15/2023	1	Mayor's Office	Signed	
6/14/2023	1	City Council	Adopted	Pass

Approving the application of The United Hmong Family, Inc. for a sound level variance in order to present amplified sound on July 1 and 2, 2023 at 1151 Wynne Avenue - McMurray Fields.
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, The United Hmong Family Inc., represented by Kong Houa Lee, Event Chair, who has been designated as the responsible person on the application, has applied for a variance, for 120 dBA at no specified distance, to present amplified sound for the 41st Hmong International Freedom Festival at 1151 Wynne Ave - McMurray Fields.; and

WHEREAS, applicant has requested a variance for the hours of 8:00 a.m. to 8:00 p.m. on July 1 and 2, 2023 with a pre-event sound check on June 30, 2023 from 1:00 p.m. to 6:00 p.m. for the 41st Hmong International Freedom Festival; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified sound at 1151 Wynne Ave - McMurray Fields.; 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 The United Hmong Family, Inc., subject to the following conditions:

1) The Variance shall be for the hours from of 8:00 a.m. to 8:00 p.m. on Saturday, July 1 and Sunday, July 2, 2023 with a pre-event sound check on Friday, June 30, 2023 from 1:00 p.m. to 6:00 p.m. for the 41st Hmong

International Freedom Festival.

- 2) All electronically powered equipment used in conjunction with the event shall not exceed 90 dBA at 50 feet from any stage.
- 3) All electronically powered equipment, PA systems, loudspeakers, or similar devices used in the merchandise areas, on or near the sporting field events, must not exceed 75 dBA as measured at the nearest residential receiver. All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 8:00 p.m. on July 1 and 2, 2023, the event dates.
- 4) The applicant shall provide personnel and equipment who shall provide continuous sound level monitoring at each sound source during the hours of the variance.

FURTHER RESOLVED, that any violations of the conditions set forth above on the July 1 and 2, 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.

The United Hmong Family, Inc., represented by Event Chair, Kong Houa Lee, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified sound, with limitations, from 8:00 a.m. to 8:00 p.m. on July 1 and 2, 2023 with a pre-event sound check on June 30, 2023 from 1:00 p.m. to 6:00 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