



Legislation Details (With Text)

**File #:** RES PH 23- 131      **Version:** 1

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

**In control:** City Council

**Final action:** 6/7/2023

**Title:** Approving the application of Kyle Rucker for a sound level variance in order to present amplified sound on Saturday, June 10, 2023 at 109 Fourth Street West - Rice Park.

**Sponsors:** Rebecca Noecker

**Indexes:** Ward - 2

**Code sections:**

**Attachments:** 1. Application, 2. ENS#1, 3. Map, 4. Notice to Owner, 5. Owners List, 6. Letter to Applicant

Date	Ver.	Action By	Action	Result
6/9/2023	1	Mayor's Office	Signed	
6/7/2023	1	City Council	Adopted	Pass

Approving the application of Kyle Rucker for a sound level variance in order to present amplified sound on Saturday, June 10, 2023 at 109 Fourth Street West - Rice Park.  
 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, Kyle Rucker, Event Organizer, who has been designated as the responsible person on the application, has applied for a variance, for 95 dBA at no specified distance, to present amplified sound for a Saint Paul Pride Festival, 109 4<sup>th</sup> St W - Rice Park; and

WHEREAS, applicant has requested a variance for the hours of 10:00 a.m. to 7:00 p.m. with a pre-event sound check at 8:00 a.m. on Saturday, June 10, 2023 for a Saint Paul Pride Festival; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified sound at 109 4<sup>th</sup> St W - Rice Park; 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 Kyle Rucker, subject to the following conditions:

- 1) The Variance shall be for the hours of 10:00 a.m. to 7:00 p.m. with a pre-event sound check at 8:00 a.m. on Saturday, June 10, 2023 for Saint Paul Pride Festival.
- 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 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 7:00 p.m. on Saturday, June 10, 2023, the event date.

FURTHER RESOLVED, that any violations of the conditions set forth above on the Saturday, June 10, 2023 date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Kyle Rucker, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified sound, with limitations, from 10:00 a.m. to 7:00 p.m. with a pre-event sound check at 8:00 a.m. on Saturday June 10, 2023. 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