



## Legislation Text

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**File #:** RES PH 11-1084, **Version:** 1

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Approving the application of Kathy Averill for a sound level variance to allow the use of a PA system and live musical performances from 9:00 a.m. until 9:00 p.m. on October 16, 2011 at Cherokee 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, Kathy Averill, who has been designated as the responsible person on the application, has applied for a variance to allow the use of a PA system and live musical performances at Cherokee Park; and

WHEREAS, applicant has requested a variance for the hours of 9:00 a.m. to 9:00 p.m. on October 16, 2011; and

WHEREAS, if applicant is not granted a variance it will not be able to allow the use of a PA system and live musical performance at Cherokee 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 Kathy Averill, subject to the following conditions:

- 1) The variance shall be for the hours of 9:00 a.m. to 9:00 p.m. on October 16, 2011.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 85 dBA as measured at the sound mix or 50 feet from the stage, whichever is closer.
- 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 9:00 p.m. on the event date.

FURTHER RESOLVED, that any violations of the conditions set forth above on the October 16, 2011 date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Kathy Averill, has requested an exemption from the sound level limitations in Chapter 293.07 in order to allow the use of a PA system and live musical performances, with limitations, from 9:00 a.m. to 9:00 p.m. on October 16, 2011. 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