



Legislation Text

File #: RES PH 12-233, **Version:** 2

Approving the application of Wild Tymes for a sound level variance in order to present amplified music from 2:00 p.m. until 6:00 p.m. on August 19, 2012 at 33 Seventh Place West.

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, Wild Tymes, represented by Sandy Schwarz, who has been designated as the responsible persons on the application, has applied for a variance to present amplified music at 33 Seventh Place West; and

WHEREAS, applicant is seeking a variance for the hours of 2:00 p.m. to 6:00 p.m. on August 19, 2012; and

WHEREAS, if applicant is not granted a variance it will not be able to present amplified music at 33 Seventh Place West; 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 Wild Tymes, subject to the following conditions:

- 1) The variance shall be for the hours of 2:00 p.m. to 6:00 p.m. on August 19, 2012.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 80 dBA as measured at 50 feet from the noise source.
- 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 6:00 p.m. on the event date.

FURTHER RESOLVED, that any violations of the conditions set forth above on the August 19, 2012 date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Wild Tymes, represented by Sandy Schwarz, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified music, with limitations, outdoors at 33 Seventh Place West, from 2:00 p.m. until 6:00 p.m. on August 19, 2012. 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

Saint Paul Public Works, represented by Glenn Pagel, Project Manager, has requested an exemption from the sound level limitations in Chapter 293.07 in order to to operate general construction/demolition equipment and domestic power tools at the Lexington Avenue overpass between Burgess Street and Pierce Butler Route on August 30 & 31 and September 3, 4 & 5, 2012. 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