



Legislation Text

File #: RES PH 13-116, **Version:** 1

Approving the application of Brian Horst for a sound level variance to present amplified music for concerts from 6:00 p.m. until 9:00 p.m. on Thursdays from June 6, 2013 to August 29, 2013 (excluding July 4, 2013), and movies from 9:00 p.m. to 11:00 p.m. on Thursdays between July 25, 2013 to August 29, 2013 in Mears 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, Brian Horst, Event Manager, has been designated as the responsible person on the application, has applied for a variance to present amplified music for concerts from 6:00 p.m. until 9:00 p.m. on Thursdays between June 6, 2013 through August 29, 2013 (excluding July 4, 2013) followed by movies from 9:00 p.m. to 11:00 p.m. on Thursdays between July 25, 2013 through August 29, 2013 in Mears Park; and

WHEREAS, applicant is seeking a variance for the hours of 6:00 p.m. until 9:00 p.m. on Thursdays between June 6, 2013 through August 29, 2013 (excluding July 4, 2013) followed by movies from 9:00 p.m. to 11:00 p.m. on Thursdays between July 25, 2013 through August 29, 2013; and

WHEREAS, if applicant is not granted a variance it will not be able to present the amplified music and show movies in Mears 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 the Brian Horst, subject to the following conditions:

- 1) The variance shall be for the hours from 6:00 p.m. until 9:00 p.m. on Thursdays between June 6, 2013 through August 29, 2013 (excluding July 4, 2013) followed by movies from 9:00 p.m. to 11:00 p.m. on Thursdays between July 25, 2013 through August 29, 2013.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 85 dBA, as measured at 50 feet from the noise source from 6:00 p.m. until 9:00 p.m., and 75 dBA as measured at 50 feet from the noise source from 9:00 p.m. until 11:00 p.m.
- 3) The applicant shall provide personnel and equipment who shall provide continuous sound level monitoring at the stage and 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 Thursdays between June 6, 2013 through August 29, 2013 and no later than 11:00 p.m. on Thursdays between July 25, 2013 through August 29, 2013.

FURTHER RESOLVED, that any violations of the conditions set forth above on any of the dates may result in revocation of the grant of a variance for the subsequent date(s), in addition to any criminal citation which might issue.

Brian Horst, Event Manager, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified music for concerts from 6:00 p.m. until 9:00 p.m. on Thursdays between June 6, 2013 through August 29, 2013 (excluding July 4, 2013) followed by movies from 9:00 p.m. to 11:00 p.m. on Thursdays between July 25, 2013 through August 29, 2013 in Mears Park. 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