

Legislation Text

File #: RES PH 13-158, Version: 1

Approving the application of Steve Heckler for a sound level variance in order to provide amplified music and the use of a P.A. and an amplified sound system from 7:00 p.m. until 10:00 p.m. on September 5, from 5:00 p.m. until 10:00 p.m. on September 6, and 12:00 noon to 10:00 p.m. on September 7, 2013 during Hot Summer Jazz Festival for Concrete & Grass at 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, Concrete & Grass, represented by Steve Heckler, Executive Director, who has been designated as the responsible person on the application, has applied for a variance to provide use of P. A. and amplified sound system at Mears Park; and

WHEREAS, applicant is seeking a variance is from 7:00 p.m. until 10:00 p.m. on September 5, from 5:00 p.m. until 10:00 p.m. on September 6, and 12:00 noon to 10:00 p.m. on September 7, 2013 during Hot Summer Jazz Festival for Concrete & Grass at Mears Park; and

WHEREAS, if applicant is not granted a variance it will not be able to provide the use of P. A. and amplified sound system at 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 Steve Heckler, subject to the following conditions:

1) The variance shall be from 7:00 p.m. until 10:00 p.m. on September 5, from 5:00 p.m. until 10:00 p.m. on September 6, and 12:00 noon to 10:00 p.m. on September 7, 2013 during Hot Summer Jazz Festival for Concrete & Grass at Mears Park.

2) All electronically powered equipment used in conjunction with the event shall not exceed 85 dBA as measured at 50 feet from the sound 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 10:00 p.m. on September 5, 6, & 7, 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 noise variance for the subsequent date(s), in addition to any criminal citation which

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might issue.

Hot Summer Jazz Festival for Concrete & Grass, represented by Steve Heckler, Executive Director, has requested an exemption from the sound level limitations in Chapter 293.07 in order to provide the use of a P. A. and amplified sound system, with limitations, from 7:00 p.m. until 10:00 p.m. on September 5, from 5:00 p.m. until 10:00 p.m. on September 6, and 12:00 noon to 10:00 p.m. on September 7, 2013 during Hot Summer Jazz Festival for Concrete & Grass at 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