



Legislation Text

File #: RES PH 13-284, **Version:** 2

Approving the application of the European Christmas Market for a sound level variance in order to allow amplified music between 11:00 a.m. and 8:00 p.m. from November 30, 2013 to December 9, 2013 in Rice Park. (This application has been withdrawn)

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, the European Christmas Market, represented by Stacy Duke, Marketing Manager, who has been designated as the responsible person on the application, has applied for a variance to allow amplified music in Rice Park; and

WHEREAS, applicant is seeking a variance for the hours from 11:00 a.m. to 8:00 p.m. from November 30, 2013 to December 9, 2013; and

WHEREAS, if applicant is not granted a variance it will not be able to present the amplified music in 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 the European Christmas Market, subject to the following conditions:

- 1) The variance shall be for the hours from 11:00 a.m. to 8:00 p.m. from November 30, 2013 to December 9, 2013 in Rice 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 between 11:00 a.m. through 8:00 p.m.
- 3) The applicant shall provide personnel and equipment that 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 8:00 p.m. on each of the event dates.

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.

The European Christmas Market, represented by Stacy Duke, Marketing Manager, has requested an

exemption from the sound level limitations in Chapter 293.07 in order to allow amplified music, with limitations, in Rice Park, between 11:00 a.m. and 8:00 p.m. from November 30, 2013 to December 9, 2013. 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