Legislation Text

File #: RES PH 14-97, **Version:** 1

Approving the application of the March of Dimes, March for Babies Event for a sound level variance in order to allow broadcasting of music from the Jack FM Radio Van near the intersection of Como Lake Drive and Lakeview Avenue, during a charitable walk event on Saturday, April 26, 2014 from 10:00 a.m. to 12:30 p.m.

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, March of Dimes, March for Babies Event, represented by Abby Walker, MFB Event Coordinator, who has been designated as the responsible person on the application, has applied for a variance in order to allow broadcasting of music from the Jack FM Radio Van. The van will be located near the intersection of Como Lake Drive and Lakeview Avenue during a charitable walk event; and

WHEREAS, applicant is seeking a variance for the hours of 10:00 a.m. to 12:30 p.m. on Saturday, April 26, 2014; and

WHEREAS, if applicant is not granted a variance it will not be able to allow broadcasting of music from the Jack FM Radio Van located near the intersection of Como Lake Drive and Lakeview Avenue; 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 March of Dimes, subject to the following conditions:

1) The variance shall be for the hours of 10:00 a.m. to 12:30 p.m. on Saturday, April 26, 2014.

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.

3) The applicant shall provide personnel and equipment to monitor sound level limits as specified in Condition #2 during the hours of the variance.

4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 12:30 p.m. on Saturday, April 26, 2014.

FURTHER RESOLVED, that any violations of the conditions set forth above on the April 26, 2014 event date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

March of Dimes, March for Babies Event, Inc., represented by Abby Walker, has requested an exemption from the sound level limitations in Chapter 293.07 in order to allow broadcasting of music from the Jack FM Radio

Van, with limitations, from 10:00 a.m. to 12:30 p.m. on Saturday, April 26, 2014. The Van is to be located near the intersection of Como Lake Drive and Lakeview Avenue during a charitable walk event. 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