



## Legislation Text

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**File #:** RES PH 14-126, **Version:** 1

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Approving the application of the Twin Cities Jazz Festival for a sound level variance in order to present amplified music outdoors at the Union Depot North Plaza from 3:00 p.m. until 10:00 p.m. on Friday & Saturday, June 27 and 28, 2014, during the Twin Cities Jazz Festival.

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, Twin Cities Jazz Festival, represented by Steve Heckler, Executive Director, who has been designated as the responsible person on the application, has applied for a variance to present amplified music outdoors at the Union Depot North Plaza; and

WHEREAS, applicant is seeking a variance for the hours of 3:00 p.m. to 10:00 p.m. on Friday and Saturday, June 27 and 28, 2014 during the Twin Cities Jazz Festival; and

WHEREAS, if applicant is not granted a variance it will not be able to present amplified music outdoors at the Union Depot North Plaza; 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 Twin Cities Jazz Festival, subject to the following conditions:

- 1) The variance will be for the Twin Cities Jazz Festival located at the Union Depot North Plaza and for the hours of 3:00 p.m. to 10:00 p.m. on Friday and Saturday, June 27 and 28, 2014.
- 2) All electronically powered equipment, PA systems, loudspeakers or similar devices used in conjunction with the event must not exceed 85 dBA as measured 50 feet from sound source.
- 3) The applicant will provide personnel and equipment to ensure compliance with the sound level variance conditions.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices must be turned off no later than 10:00 p.m. on the dates of the event.

FURTHER RESOLVED, that any violation of the conditions set forth above may result in revocation of this variance for the subsequent date and/or the denial of any future variance requests, in addition to any criminal citation which might issue.

Twin Cities Jazz Festival, represented by Steve Heckler, Executive Director, has requested an exemption from

the sound level limitations in Chapter 293.07 in order to present amplified music outdoors, with limitations, from noon to 10:00 p.m. on Friday and Saturday, June 27 and 28, 2014 during the Twin Cities Jazz Festival at the Union Depot North Plaza. 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