



## Legislation Text

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**File #:** RES PH 14-165, **Version:** 1

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Approving the application of Minnesota Public Radio 40<sup>th</sup> Anniversary of A Prairie Home Companion for a sound level variance in order to present outdoor music concerts from 10:00 a.m. until 5:00 p.m. on Thursday, July 3, 2014 for set up; 10:00 a.m. to 10:00 p.m. on Friday, July 4, 2014; and 10:00 a.m. to 9:00 p.m. on Saturday, July 5, 2014 during music events at the Main Lawn of Macalester College by the Chapel and Student Center at 1600 Grand Avenue.

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, Minnesota Public Radio, represented by Thomas Campbell, Manager, Stage Productions, who has been designated as the responsible person on the application, has applied for a variance to present outdoor music concerts at the Main Lawn of Macalester by the Chapel and Student Center at 1600 Grand Avenue; and

WHEREAS, applicant is seeking a variance for the hours of 10:00 a.m. to 5:00 p.m. on Thursday, July 3, 2014 for set up, 10:00 a.m. to 10:00 p.m. on Friday, July 4, 2014, and 10:00 a.m. to 9:00 p.m. on Saturday, July 5, 2014; and

WHEREAS, if applicant is not granted a variance it will not be able to present amplified music at the Main Lawn of Macalester College by the Chapel and Student Center at 1600 Grand 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 Minnesota Public Radio, subject to the following conditions:

- 1) The variance shall be for the hours of 10:00 a.m. to 5:00 p.m. on Thursday, July 3, 2014 for set up, from 10:00 a.m. to 10:00 p.m. on Friday, July 4, 2014 and from 10:00 a.m. to 9:00 p.m. on Saturday, July 5, 2014.
- 2) All electronically powered equipment used in conjunction with the event will not exceed 90 dBA as measured 50 feet from the sound source.
- 3) The applicant will provide personnel and equipment to provide continuous sound level monitoring to ensure compliance with the sound level limit stated in condition number two (2).
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 5:00 p.m. on the July 3, 2014 set up date, 10:00 p.m. on July 4, 2014 and 9:00 p.m. on July 5, 2014.

FURTHER RESOLVED, that any violations of the conditions set forth above on the July 3, 2014 set up date,

July 4, 2014 and July 5, 2014 dates may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Minnesota Public Radio for the 40<sup>th</sup> Anniversary of A Prairie Home Companion, represented by Tom Campbell, Manager, Stage Productions, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present outdoor music concerts, with limitations, from 10:00 a.m. to 5:00 p.m. on Thursday, July 3, 2014, the set up date, from 10:00 a.m. to 10:00 p.m. on Friday, July 4, 2014, and from 10:00 a.m. to 9:00 p.m. on Saturday, July 5, 2014 during outdoor music concerts at the Main Lawn of Macalester College by the Chapel and Student Center at 1600 Grand Avenue. 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