



## Legislation Text

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**File #:** RES PH 14-222, **Version:** 1

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Approving the application of Minnesota Public Radio (MPR) for a sound level variance in order to present outdoor music and announcements on Saturday, September 20, 2014 from 2:00 p.m. to 5:00 p.m. for set up, and from 5:00 p.m. to 10:00 p.m. for a performance, during the MPR Annual Street Dance and Supper on Exchange Street between Cedar Street and Wabasha Street.

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 and announcements on Exchange Street between Cedar Street and Wabasha Street; and

WHEREAS, applicant is seeking a variance for the hours of 2:00 p.m. to 5:00 p.m. for set up and 5:00 p.m. to 10:00 p.m. for a performance on Exchange Street between Cedar Street and Wabasha Street on Saturday, September 20, 2014 during the Minnesota Public Radio Annual Street Dance and Supper; and

WHEREAS, if applicant is not granted a variance it will not be able to present outdoor music and announcements on Exchange Street between Cedar Street and Wabasha Street; 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 will be for the Minnesota Public Radio Annual Street Dance and Supper on Exchange Street between Cedar Street and Wabasha Street for the hours of 2:00 p.m. to 5:00 p.m. for set up and 5:00 p.m. to 10:00 p.m. for a performance on Saturday, September 20, 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 violations of the conditions set forth above, may result in denial of any future variances, in addition to any criminal citation which may be issued.

Minnesota Public Radio, 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 and announcements, with limitations, from 2:00 p.m. to 5:00 p.m. for set up and from 5:00 p.m. to 10:00 p.m. for a performance on Saturday, September 20, 2014 during the Minnesota Public Radio Annual Street Dance and Supper on Exchange Street between Cedar Street and Wabasha Street. Chapter 293.09 provides for the granting of variances from the sound level limitation contained in Chapter 293.07.

Was proper notice given? YES - See Attachments