



## Legislation Text

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**File #:** RES PH 14-226, **Version:** 1

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Approving the application of MotionPoems, Inc. for a sound level variance to present outdoor short films with use of speakers between 8:00 p.m. to 10:00 p.m. on Friday, October 10, 2014 or on a rain date of Saturday, October 11, 2014 at Union Depot, 214 Fourth Street East, North Plaza.

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, MotionPoems, Inc., represented by Todd Boss, Executive and Artistic Director, who has been designated as the responsible person on the application, has applied for a variance to present outdoor short films with use of speakers at 214 4<sup>th</sup> Street East Union Depot North Plaza; and

WHEREAS, applicant is seeking a variance for the hours of 8:00 p.m. to 10:00 p.m. to present outdoor short films with use of speakers, on Friday, October 10, 2014 or a Rain Date of Saturday, October 11, 2014, for an Art Installation of Short Films with Speaker Use Event; and

WHEREAS, if applicant is not granted a variance it will not be able to present outdoor short films with use of speakers at 214 4<sup>th</sup> Street East; 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 MotionPoems, Inc., subject to the following conditions:

- 1) The variance will be for an Art Installation of Short Films with Use of Speakers Event and the hours of 8:00 p.m. to 10:00 p.m., on Friday, October 10, 2014 or a Rain Date of Saturday, October 11, 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 Friday, October 10, 2014 or a Rain Date of Saturday, October 11, 2014.

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.

MotionPoems, Inc., represented by Todd Boss, Executive and Artistic Director, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present outdoor short films with use of speakers, with limitations, from 8:00 p.m. to 10:00 p.m. for outdoor short films with use of speakers, on Friday, October 10, 2014 or a Rain Date of Saturday, October 11, 2014, for an Art Installation of Short Films with Use of Speakers Event at 214 4<sup>th</sup> Street East, 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