



Legislation Text

File #: RES PH 15-101, **Version:** 1

Approving the application of Hmong American Day Committee (Fiscal Agent: American Legion 3H Post 1975) for a sound level variance in order to provide amplified music and the use of a sound system for announcements, speeches, dances, and live musical performances from 10:00 a.m. (Pre-Event Sound Check at 8:30 a.m.) until 9:00 p.m. on Thursday, May 14, 2015 during the Hmong American Day Event at Harriet Island, inside and outside the Clarence W. Wigington Pavilion.

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, Hmong American Day Committee, represented by Elizabeth Xiong, Executive Chair, who has been designated as the responsible person on the application, has applied for a variance to provide amplified music and the use of a sound system for announcements, speeches, dances and live musical performances at Harriet Island; and

WHEREAS, applicant is seeking a variance from 10:00 a.m. until 9:00 p.m. on Thursday, May 14, 2015 during the Hmong American Day Event at Harriet Island; and

WHEREAS, if applicant is not granted a variance they will not be able to provide the use of a sound system and amplified music at Harriet Island; 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 Elizabeth Xiong, Executive Chair for Hmong American Day Committee (Fiscal Agent: American Legion 3H Post 1975 for the Hmong American Day Event at Harriet Island subject to the following conditions:

- 1) The variance shall be for the hours of 10:00 a.m. (Pre-Event Sound Check at 8:30 a.m.) until 9:00 p.m. on Thursday, May 14, 2015.
- 2) All electronically powered equipment, PA systems, loudspeakers, or similar devices will only be located at the locations indicated on the venue diagram submitted as part of the sound level variance application:
 - a. Wigington Pavilion Indoor Stage B
 - b. Stage Outside of the Wigington Pavilion Stage A
- 3) All electronically powered equipment, PA systems, loudspeakers, or similar devices will be aimed or located so they are facing away from residential use areas such as those across the river or the bluff area to the south.

- 4) All electronically powered equipment, PA systems, loudspeakers, or similar devices used in conjunction with the event must not exceed 90 dBA at 50 feet from the sound source for Stage A located outside of the Wigington Pavilion.
- 5) The applicant will provide personnel and equipment to provide continuous sound level monitoring to ensure compliance with the sound level variance conditions.
- 6) All electronically powered equipment, PA systems, loudspeakers, or similar devices must be turned off no later than 9:00 p.m. on May 14, 2015.
- 7) The Hmong American Day Committee must maintain a copy of the approved sound level variance at the event location and have it available for review by the City of Saint Paul Police or inspection personnel.

FURTHER RESOLVED, that any violation of the conditions set forth above may result in revocation of the sound level variance, in denial of future requests for a sound level variance, in addition to any criminal citation which might issue.