Legislation Text

File #: RES PH 15-216, **Version:** 1

Approving the application of the Asian Economic Development Association for a sound level variance for amplified music and performances on an outdoor stage at the Little Mekong Night Market, 377 University Ave West, Rear Parking Lot, from 6:00 p.m. to 12:00 midnight on Friday, August 7, 2015 and Saturday, August 8, 2015.

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, the Asian Economic Development Association, represented by Oskar Ly, Artist Organizer, who has been designated as the responsible person on the application, has applied for a sound level variance in order to present various activities such as amplified music, performances, and announcements, on an outdoor stage, located at the Little Mekong Night Market at 377 University Ave West Rear Parking Lot; and

WHEREAS, applicant is seeking a variance for the hours of 6:00 p.m. to Midnight, with a pre-event sound check from 2:00 p.m. until 5:00 p.m. on Friday, August 7, 2015 and Saturday, August 8, 2015 at the Little Mekong Market; and

WHEREAS, if the applicant is not granted a variance, applicant will not be able to present various activities such as amplified music, performances and announcements, on an outdoor stage, located at the Little Mekong Night Market, 377 University Ave West; 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 the Asian Economic Development Association, subject to the following conditions:

1) The variance will be for the Little Mekong Night Market at 377 University Ave West from 6:00 p.m. to Midnight, with a pre-event sound check from 2:00 p.m. until 5:00 p.m. on Friday, August 7, 2015 and Saturday, August 8, 2015.

2) All electronically powered equipment, PA systems, loudspeakers or similar devices used in conjunction with the event must not exceed 90 dBA as measured 50 feet from sound source from 6:00 p.m. until 10:00 p.m., and must not exceed 85 dBA as measured 50 feet from the sound source from 10:01 p.m. until Midnight on dates indicated.

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 Midnight on the dates indicated in condition 1.

5) The Asian Economic Development Association 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 this variance for any subsequent dates and/or the denial of any future variance requests, in addition to any criminal citation which might issue.

The Asian Economic Development Association, represented by Oskar Ly, Artist Organizer, has requested an exemption from the sound level limitations in Chapter 293 to be able to present various activities such as amplified music, performances, and announcements, on an outdoor stage, located at the Little Mekong Night Market, 377 University Avenue West from 6:00 p.m. to Midnight, with a pre-event sound check from 2:00 p.m. until 5:00 p.m. on Friday. August 7, 2015 and Saturday, August 8, 2015. 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

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