



## Legislation Text

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**File #:** RES PH 15-267, **Version:** 1

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Approving the application of Crystal Sursely, Lowertown Bike Shop, for a sound level variance in order to present amplified music on Sunday, October 4, 2015 for the Lowertown Bike Shop LBS Alley Party Event at 253 4<sup>th</sup> Street East.

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 Lowertown Bike Shop, represented by Crystal Sursely who has been designated as the responsible person on the application, has applied for a variance to present amplified live and DJ music at the East Parking lot of the Jax Building, 253 4<sup>th</sup> Street East; and

WHEREAS, applicant is seeking a variance for the hours of 12:00 noon to 8:00 p.m., with a pre-event sound check at 11:00 a.m. on Sunday, October 4, 2015 during the Lowertown Bike Shop LBS Alley Party Event; and

WHEREAS, if applicant is not granted a variance it will not be able to present amplified music at the East Parking lot of the Jax Building, 253 4<sup>th</sup> Street East; and

RESOLVED, that the Council of the City of Saint Paul hereby grants a variance to the Lowertown Bike Shop, subject to the following conditions:

- 1) The variance shall be for the hours of 12:00 noon to 7:30 p.m. for amplified music, and from 7:30 p.m. to 8:00 p.m., for unamplified music, on October 4, 2015.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 80 dBA as measured at the sound mix or 50 feet from the stage, whichever is closer.
- 3) The applicant shall provide personnel and equipment who shall provide continuous sound level monitoring at each sound mix during the hours of the variance.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 8:00 p.m. on the event date.

FURTHER RESOLVED, that any violations of the conditions set forth above on the October 4, 2015 date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

The Lowertown Bike Shop, represented by Crystal Sursely, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present Live and DJ music, with limitations, from 12:00 noon until 8:00 p.m., with a pre-event sound check at 11:00 a.m. on October 4, 2015 during the Lowertown Bike Shop LBS Alley Party Event. Chapter 293.09 provides for the granting of variances from the sound level limitations contained in Chapter 293.07.