



## Legislation Text

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**File #:** RES PH 16-156, **Version:** 1

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Approving the application of Twin Cities Jazz Festival for a sound level variance in order to present amplified music on June 23, 24, and 25, 2016, during the Twin Cities Jazz Festival at the Union Depot - North Plaza, 214 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, Twin Cities Jazz Festival, represented by Steve Heckler, Executive Director, who has been designated as the responsible person on the application, has applied for a variance to present amplified music, at a requested sound level limit of 92 dBA at 100 feet, at the Union Depot - North Plaza, 214 4<sup>th</sup> Street East; and

WHEREAS, applicant is seeking a variance for the hours of 12:00 p.m. to 10:00 p.m. on June 23, 24 and 25, 2016 during the Twin Cities Jazz Festival Union Depot site; and

WHEREAS, if applicant is not granted a variance, applicant will not be able to present amplified music at the Union Depot, North Plaza, 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 Twin Cities Jazz Festival, subject to the following conditions:

- 1) The variance shall be for the hours of 12:00 p.m. to 10:00 p.m. on June 23, 24 and June 25, 2016.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 80 dBA as measured at 50 feet from the sound source from 12:00 p.m. until 5:00 p.m. on June 23, 2016 and June 24, 2016, and shall not exceed 92 dBA as measured 50 feet from the sound source on June 23 and June 24, 2016 from 5:00 p.m. until 10:00 p.m. and on June 25, 2016 from 12:00 p.m. until 10:00 p.m. .
- 3) The applicant shall provide personnel and equipment to ensure compliance with the sound level variance conditions.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall 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 on the first date may result in revocation of the grant of a variance for the subsequent date, in addition to any criminal citation which might issue.

Twin Cities Jazz Festival, represented by Steve Heckler, Executive Director, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified music, with limitations, from 12:00 p.m. to 10:00 p.m. on June 23, June 24 and June 25, 2016 during the Twin Cities Jazz Festival at the Union Depot - North Plaza, 214 4<sup>th</sup> Street East. 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