



Legislation Text

File #: RES PH 16-155, **Version:** 1

Approving the application of Twin Cities Jazz Festival for a sound level variance in order to present amplified live music from June 22 through June 25, 2016 during the Twin Cities Jazz Festival at Mears Park.

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, at a requested sound level limit of 92 dBA at 100 feet to present amplified music at Mears Park; and

WHEREAS, applicant is seeking a variance for the hours of 8:00 a.m. to 10:00 p.m. on June 22 through June 25, 2016, with a sound check at 12:00 Noon on June 24, 2016 during the Twin Cities Jazz Festival Mears Park location; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified live music at Mears Park; 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 8:00 a.m. to 10:00 p.m. on June 22 through June 25, 2016, with a sound check at 12:00 Noon on June 24, 2016.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 75 dBA as measured at 50 feet during the hours of 8:00 a.m. until 12:00 p.m.; not to exceed 80 dBA as measured at 50 feet from the hours of 12:00 p.m. until 5:00 p.m.; and shall not exceed 92 dBA at 50 feet during the hours of 5:00 p.m. until 10:00 p.m. as measured 50 feet from sound source.
- 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 8:00 a.m. to 10:00 p.m., on June 23, 24 and 25, 2016 with a sound check at 12:00 Noon on June 24, 2016 during the Twin Cities Jazz Festival at Mears Park. 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