



Legislation Text

File #: RES PH 16-191, **Version:** 1

Approving the application of Hmong Family Foundation, Inc. for a sound level variance in order to provide amplified sound on Saturday, July 2 and Sunday, July 3, 2016 during the 36th Annual Hmong Freedom Celebration 2016 at the Como Park, McMurray Field Area.

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 Family Foundation Inc., represented by Xue Lee, who has been designated as the responsible person on the application, has applied for a variance for the hours of 6:00 a.m. to 10:00 p.m. to provide amplified music and announcements at the Como Park, McMurray Field Area, 1155 Jessamine Avenue W. Hmong Family Foundation, Inc. Xue Lee submitted the variance application with no specified sound level request for the stage area nor for the merchandise area and sporting event field area; and

WHEREAS, applicant is seeking a variance for the hours of 6:00 a.m. until 10:00 p.m. on Saturday, July 2 and Sunday, July 3, 2016 during the 36th Annual Hmong Freedom Celebration 2016; and

WHEREAS, if applicant is not granted a variance they will not be able to provide amplified music and announcements at the 36th Annual Hmong Freedom Celebration, by the Como McMurray Field Area at 1155 Jessamine Avenue W.; and

WHEREAS, the Department of Safety and Inspections has reviewed the application, contacted the individual indicated by Xue Lee as the 2016 Festival Coordinator, Chia Koua Vang, again, to provide updated sound level variance application information, and although no additional information was received, has made recommendations regarding conditions for the variance, similar to what was granted in 2014 and 2015, now, therefore, be it

RESOLVED, that the Council of the City of Saint Paul hereby grants a sound level variance to Hmong Family Foundation, Inc., subject to the following conditions:

- 1) The variance will only be for the hours of 9:00 a.m. until 8:00 p.m. on Saturday, July 2 & Sunday, July 3, 2016.
- 2) All electronically powered equipment, PA systems, loudspeakers or similar devices used in conjunction with the event must not exceed 90 dBA as measured at 50 feet from any stage.
- 3) All electronically powered equipment, PA systems, loudspeakers or similar devices used in the merchandise areas and on or near the sporting event fields, must not exceed 75 dBA as measured at the nearest residential receiver.
- 4) The applicant will provide personnel and equipment, who will conduct sound level monitoring during the event, to ensure compliance with the variance conditions.

5) All electronically powered equipment, PA systems, loudspeakers or similar devices must be turned off no later than 8:00 p.m. on each event date.

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.

Hmong Family Foundation, Inc., represented by Xue Lee, has requested an exemption from the sound level limitations in Chapter 293.07 in order to provide amplified sound, with limitations, from 6:00 a.m. until 10:00 p.m. on July 2 & 3, 2016 during the 36th Annual Hmong Freedom Celebration 2016 at the Como Park, McMurray Field Area, 1155 Jessamine Avenue West. 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