



## Legislation Text

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**File #:** RES PH 16-277, **Version:** 1

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Approving the application of Michael Keuler, Event Coordinator for Color Vibe, for a sound level variance in order to present announcements and music on Saturday, October 15, 2016 for the Color Vibe 5K Event at the corner of Water Street and Joy Avenue for Music Station #2.

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, Color Vibe, Color Vibe 5K Event, represented by Michael Keuler, who has been designated as the responsible person on the application, has applied for a variance, at a requested sound level limit of 85 dBA at 75 feet, to present a Radio Speaker at the corner of Water Street and Joy Avenue for Music Station #2; and

WHEREAS, applicant is seeking a variance, at a requested sound level limit of 85 dBA at 75 feet, for the hours of 8:30 a.m. to 10:30 a.m. on October 15, 2016 during the Color Vibe 5K Event; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present a Radio Speaker at the corner of Water Street and Joy Avenue for Music Station #2; and

RESOLVED, that the Council of the City of Saint Paul hereby grants a variance to Color Vibe, Michael Keuler, Color Vibe 5K Event, subject to the following conditions:

- 1) The variance shall be for the hours of 8:30 a.m. to 10:30 a.m. on October 15, 2016.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 85 dBA as measured at 75 feet from the sound source.
- 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 10:30 a.m. on the event date.

FURTHER RESOLVED, that any violations of the conditions set forth above on the October 15, 2016 date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Color Vibe, Color Vibe 5K Event, represented by Michael Keuler, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present a Radio Speaker, from 8:30 a.m. until 10:30 a.m. on October 15, 2016 during the Color Vibe 5K Event. 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