



Legislation Text

File #: RES PH 17-115, **Version:** 1

Approving the application of the University of St. Thomas for a sound level variance in order to present amplified music on Saturday, May 20, 2017 during the Graduation events at the O'Shaughnessy Stadium at 2115 Summit Avenue.

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 University of St. Thomas, represented by William Carter III, Special Projects Manager, Public Safety, who has been designated as the responsible person on the application, has applied for a variance to present outdoor music and announcements, with use of an auxiliary sound system rather than the stadium sound system, at no specified sound level limit, at the O'Shaughnessy Stadium at 2115 Summit Avenue; and

WHEREAS, applicant is seeking a variance for the hours of a 7:30 a.m. with verification of an auxiliary sound system pre-check and event with music and announcements from 8:00 a.m. to 12:30 p.m. for undergraduate commencement and from 4:00 p.m. to 9:00 p.m. for the graduate commencement on Saturday, May 20, 2017; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present outdoor music at the O'Shaughnessy Stadium at 2115 Summit Avenue; 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 the University of St. Thomas, subject to the following conditions:

- 1) The variance shall be for the hours of a 7:30 a.m. verification of an auxiliary sound system pre-check, and event with music and announcements from 8:00 a.m. to 12:30 p.m. for undergraduate commencement and from 4:00 p.m. to 9:00 p.m. for the graduate commencement on Saturday, May 20, 2017.
- 2) All electronically powered equipment used in conjunction with the event will not exceed 90 dBA as measured 50 feet from the sound source.
- 3) The applicant will provide personnel and equipment to provide continuous sound level monitoring to ensure compliance with the sound level limit stated in condition number two (2).
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 9:00 p.m. on the event date.

FURTHER RESOLVED, that any violations of the conditions set forth above on the May 20, 2017 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 University of St. Thomas, represented by William Carter III, Special Projects Manager, Public Safety, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present outdoor music and announcements, with limitations, with a 7:30 a.m. a verification of an auxiliary sound system pre-check, and music and announcements from 8:00 a.m. to 12:30 p.m. for undergraduate commencement and from 4:00 p.m. until 9:00 p.m. for the graduate commencement on Saturday, May 20, 2017 during the Graduation event at the O'Shaughnessy Stadium at 2115 Summit Avenue. 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