



## Legislation Text

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**File #:** RES PH 17-125, **Version:** 1

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Approving the application of Twin Cities Jazz Festival for a sound level variance in order to present amplified live music on June 21 through June 25, 2017 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 10:00 a.m. to 10:00 p.m. on June 21 through June 25, 2017, with a sound check at 11:00 a.m. every day of event, 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 10:00 a.m. to 10:00 p.m. on June 21 through June 24, 2017, and from 10:00 a.m. until 8:00 p.m. on June 25, 2017, with a pre-event sound check at 11:00 a.m. every day of the event.
- 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 10:00 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 on June 21, 22 and 23, 2017; on June 24 and June 25, 2017 the sound level limit shall not exceed 75 dBA as measured 50 feet during the hours of 10:00 a.m. until 12:00 p.m. ; from 12:00 p.m. until 10:00 p.m. is not to exceed 92 dBA at 50 feet on June 24, 2017 and is not to exceed 92 dBA at 50 feet from 12:00 p.m. until 8:00 p.m. on June 25, 2017; and
- 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 June 21 through June 24, 2017 and shall be turned off no later than 8:00 p.m. on June 25, 2017.

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 10:00 a.m. to 10:00 p.m., on June 21 through June 25, 2017, with a sound check at 11:00 a.m. every day of the event, 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