



## Legislation Text

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**File #:** RES PH 17-132, **Version:** 1

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Approving the application of Steve Heckler, Lowertown Blues Festival, for a sound level variance in order to present amplified music on Wednesday, July 19 and Thursday, July 20, 2017 during event set-up; and on Friday, July 21 and Saturday, July 22, 2017 during the Lowertown Blues 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, Lowertown Blues Festival, represented by Steve Heckler, Director, who has been designated as the responsible person on the application, has applied for a variance, with a sound level request of 92 dBA at 100 feet, to present amplified music at Mears Park; and

WHEREAS, applicant is seeking a variance beginning Wednesday, July 19 through Saturday, July 22, 2017, with a pre-event sound check at 11:00 a.m. daily, with set-up noise on Wednesday, July 19, 2017 and Thursday, July 20, 2017 from 10:00 a.m. until midnight and for the event dates of Friday, July 21, 2017, from 4:00 p.m. until 10:00 p.m. and Saturday, July 22, 2017 between the hours of 12:00 p.m. and 10:00 p.m. for the Lowertown Blues Festival; 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 Lowertown Blues Festival, Steve Heckler, subject to the following conditions:

- 1) The variance will be for the Lowertown Blues Festival beginning Wednesday, July 19 through Saturday, July 22, 2017, with a pre-event sound check at 11:00 a.m. daily. The event set-up noise will be on Wednesday, July 19, 2017 and Thursday, July 20, 2017, between the hours of 10:00 a.m. until 9:00 p.m. The event sound level limits shall be 92 decibels at 50 feet from 4:00 p.m. until 10:00 p.m. on July 21, 2017 and from 12:00 p.m. until 10:00 p.m. on July 22, 2017. There is a pre-event sound check at 11:00 a.m. daily.
- 2) All electronically powered equipment, PA systems, loudspeakers or similar devices 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 sound source from the hours of 12:00 p.m. until 9:00 p.m., except for not exceeding 92 dBA at measured at 50 feet from the sound source from 4:00 p.m. until 10:00 p.m. on July 21, 2017 and from 12:00 p.m. until 10:00 p.m. on Saturday, July 22, 2017, the Event performance dates.
- 3) The applicant will provide personnel and equipment to ensure compliance with the sound level variance conditions.

4) All electronically powered equipment, PA systems, loudspeakers or similar devices must be turned off no later than 9:00 p.m. on July 19 and 20, 2017; no later than 10:00 p.m. on July 21 and July 22, 2017 on the days of the event performances.

FURTHER RESOLVED, that any violations of the conditions set forth above, may result in denial of any future variances, in addition to any criminal citation which may be issued.

Steve Heckler, Director, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified music, with limitations, beginning Wednesday, July 19 through Saturday, July 22, 2017 from 10:00 a.m. until 12:00 a.m. (midnight), with a pre-event sound check at 11:00 a.m. on July 19, 2017 through July 22, 2017 during the Lowertown Blues 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