



## Legislation Text

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**File #:** RES PH 18-79, **Version:** 1

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Approving the application of Visit Saint Paul for a sound level variance to present live music in the parking lot of Cleveland Circle for the NCAA Frozen Four Fan Fest on Thursday, April 5 and Saturday, April 7, 2018.

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, Visit Saint Paul, represented by Adam Johnson, Vice President of Marketing, who has been designated as the responsible person on the application, has applied for a variance to provide live, amplified music in the parking lot of Cleveland Circle; and

WHEREAS, applicant is seeking a variance, with a sound level request of 90 decibels at 50 feet from the source from 2:30 p.m. until 8:30 p.m., with a pre-event sound check at 2:00 p.m., on Thursday, April 5 and from 3:00 p.m. until 7:00 p.m., with a pre-event sound check at 2:30 p.m., on Saturday, April 7, 2018; and

WHEREAS, if applicant is not granted a variance applicant will not be able to provide live music during the NCAA Frozen Four Fan Fest; 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 Visit Saint Paul subject to the following conditions:

- 1) The variance shall be for the hours of 2:30 p.m. until 8:30 p.m., with a pre-event sound check at 2:00 p.m., on Thursday, April 5 and 3:00 p.m. until 7:00 p.m., with a pre-event sound check at 2:30 p.m., on Saturday, April 7, 2018 in the parking lot of Cleveland Circle for the NCAA Frozen Four Fan Fest.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 90 dBA as measured at 50 feet on Thursday, April 5 from 2:30 p.m. until 8:30 p.m., with a pre-event sound check at 2:00 p.m., and Saturday, April 7, 2018 from 3:00 p.m. to 7:00 p.m., with a pre-event sound check at 2:30 p.m.
- 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 8:30 p.m. on Thursday, April 5 and 7:00 p.m. on Saturday, April 7, 2018.

FURTHER RESOLVED, that any violations of the conditions set forth above on any of the dates may result in revocation of the grant of a noise variance for the subsequent date(s), in addition to any criminal citation which might issue.

Visit Saint Paul, represented by Adam Johnson, Vice President of Marketing, has requested an exemption from the sound level limitations in Chapter 293.07 in order to provide live music in the parking lot of Cleveland Circle for the NCAA Frozen Four Fan Fest from 2:30 p.m. to 8:30 p.m. on Thursday, April 5 and from 3:00 p.m. to 7:00 p.m. on Saturday, April 7, 2018. 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