



## Legislation Text

---

**File #:** RES PH 18-164, **Version:** 1

---

Approving the application of Amber ACE Cleveland for a sound level variance in to present amplified live music on July 7, 2018 during For the Love, A Community Celebration 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, Amber ACE Cleveland, Founder/Curator, who has been designated as the responsible person on the application, has applied for a variance, at a requested sound level limit of 90 dBA at 100 feet to present amplified music at Mears Park; and

WHEREAS, applicant is seeking a variance for the hours of 12:00 p.m. to 10:00 p.m. on Saturday, July 7, 2018, with a pre-event sound check from 8:00 a.m. to 12:00 p.m., during the For the Love, A Community Celebration; 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 Amber ACE Cleveland, subject to the following conditions:

- 1) The variance shall be for the hours of 12:00 p.m. to 10:00 p.m. on Saturday, July 7, 2018, with a pre-event sound check 8:00 a.m. to 12:00 p.m.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 90 dBA at 50 feet during the hours of 12:00 p.m. until 10:00 p.m.; 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 July 7, 2018.

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.

Amber ACE Cleveland, Founder/Curator, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified music, with limitations, from 12:00 p.m. to 10:00 p.m., on July 7,

2018, with a pre-event sound check from 8:00 a.m. to 12:00 p.m., during For the Love, A Community Celebration 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