Legislation Text

File #: RES PH 19-97, **Version:** 1

Approving the application of Cystic Fibrosis Foundation for a sound level variance to present outdoor music and announcements for the St. Paul Great Strides on Sunday, May 19, 2019 at the Minnesota State Capitol.

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 Cystic Fibrosis Foundation, represented by Joe Schwei, Executive Director, who has been designated as the responsible person on the application, has applied for a variance, with a requested sound level limit of 87 decibels (dBA) at no specified distance, to present outdoor music and announcements at the Minnesota State Capitol, 75 Rev Dr. Martin Luther King Jr. Blvd., during the St. Paul Great Strides; and

WHEREAS, applicant is seeking a variance for the hours of 11:00 a.m. until 1:30 p.m., on Sunday, May 19, 2019; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present outdoor music and announcements at the Minnesota State Capitol; 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 Cystic Fibrosis Foundation, subject to the following conditions:

1) The Variance shall be for the hours of 11:00 a.m. until 1:30 p.m., on Sunday, May 19, 2019.

2) All electronically powered equipment used in conjunction with the event shall not exceed 87 dBA, as measured at 50 feet from the noise source.

3) The applicant shall provide personnel and equipment who shall provide continuous sound level monitoring at all stages and 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 1:30 p.m. on May 19, 2019.

FURTHER RESOLVED, that any violations of the conditions set forth above on the May 19, 2019 event date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Cystic Fibrosis Foundation, represented by Joe Schwei, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present outdoor music and announcements, with limitations, from 11:00 a.m. to 1:30 p.m. on Sunday, May 19, 2019 at the Minnesota State Capitol during the St. Paul Great

Strides Event. 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

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