



## Legislation Text

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**File #:** RES PH 19-171, **Version:** 1

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Approving the application of Spare Key for a sound level variance to present outdoor music and announcements June 14, 15 and 16, 2019 during the Spare Key Gus Macker Saint Paul Tournament at 235 Marshall Ave.

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, Spare Key, represented by Erich Mische, 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 80 dBA at no specified distance, to present outdoor music and play by play announcements at 235 Marshall Ave. in the parking lot; and

WHEREAS, applicant is seeking a variance for the hours of 8:00 a.m. to 6:00 p.m. for outdoor music and play by play announcements at 235 Marshall Ave. starting Friday June 14, 2019 through Sunday June 16, 2019 during the Gus Macker Saint Paul Tournament Event; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present outdoor music and announcements at 235 Marshall Ave.; 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 Spare Key, subject to the following conditions:

- 1) The Variance will be for the Spare Key, Gus Macker Saint Paul Event at 235 Marshall Ave. parking lot for the hours of 8:00 a.m. to 6:00 p.m. for music performance and play by play announcements starting on Friday June 14, 2019 through Sunday June 16, 2019.
- 2) All electronically powered equipment, PA systems, loudspeakers or similar devices used in conjunction with the event must not exceed 80 dBA as measured 50 feet from sound source.
- 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 6:00 p.m. on the dates of the event.

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.

Spare Key, represented by Erich Mische, Executive Director, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present outdoor music and announcements, with limitations, from 8:00 a.m. to 6:00 p.m. starting on Friday June 14, 2019 through Sunday June 16, 2019 during the Gus Macker Saint Paul Event at 235 Marshall Ave. Chapter 293.09 provides for the granting of variances from the sound level limitation contained in Chapter 293.07.

Was proper notice given? YES - See Attachments