



Legislation Text

File #: RES PH 19-229, **Version:** 1

Approving the application of Friends of Rebecca Noecker for a sound level variance to present amplified DJ music on Sunday, August 4, 2019 for the Great Ward 2 BBQ at 149 Cesar Chavez Street.

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, Rebecca Noecker, Candidate, who has been designated as the responsible person on the application, has applied for a variance, at a requested sound level of 95 dBA at no specified distance to present amplified music with speakers at 149 Cesar Chavez St.; and

WHEREAS, applicant is seeking a variance for the hours of 4:00 p.m. to 6:00 p.m., with a pre-event sound check at 3:30 p.m., on Sunday, August 4, 2019 to present amplified DJ music with speakers; and

WHEREAS, if applicant is not granted a variance, applicant will not be able to have amplified music during a barbeque event at Parque Castillo; 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 Friends of Rebecca Noecker subject to the following conditions:

- 1) The Variance will be for amplified music with speakers during the hours of 4:00 p.m. to 6:00 p.m., with a pre-event sound check at 3:30 p.m. on Sunday, August 4, 2019.
- 2) All electronically powered equipment, PA systems, loudspeakers or similar devices used in conjunction with the music must not exceed 95 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 Sunday, August 4, 2019.

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.

Friends of Rebecca Noecker have requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified music with speakers, from 4:00 p.m. to 6:00 p.m., with a pre-event sound check at 3:30 p.m., on Sunday, August 4, 2019 for amplified music at 149 Cesar Chavez St. 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