



Legislation Text

File #: RES PH 19-257, **Version:** 1

Approving the application of Molli O'Rourke for a sound level variance for amplified sound on Sunday, August 18, 2019 at 255 6th Street East for the Ox Cart Arcade and Rooftop End of Summer Party.

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, Molli O'Rourke, Director of Operations, has applied for a variance, with a sound level request of 100 dBA at no specified distance, to present amplified music at 255 6th St. E.; and;

WHEREAS, applicant is seeking a variance for the hours of 12:00 p.m. until 5:00 p.m., on Sunday, August 18, 2019 at 255 6th St. E. for the Ox Cart Arcade and Rooftop End of Summer Party; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present announcements and amplified music at 255 St. E.; 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 Molli O'Rourke, subject to the following conditions:

- 1) The Variance shall be for the hours of 12:00 p.m. to 5:00 p.m., on Sunday, August 18, 2019.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 80 dBA as measured 50 feet from sound source.
- 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 5:00 p.m. on the date of the event.

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.

Molli O'Rourke 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 5:00 p.m., on Sunday, August 18, 2019, for the Ox Cart Arcade and Rooftop End of Summer Party. 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