



## Legislation Text

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**File #:** RES PH 20-212, **Version:** 1

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Approving the application of Kerry D'Amato for a sound level variance in order to present amplified music on Saturday, October 10, 2020 for the Nat/Smith Wedding at 7 Heather Place.

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, Kerry D'Amato, has applied for a variance, at not specified sound level or distance to present outdoor music with a D.J. at 7 Heather Place; and

WHEREAS, applicant is seeking a variance for the hours of 5:30 p.m. until 12:00 a.m., with a pre-event sound check at 4:30 p.m., with music to end at 12:00 a.m. on Saturday, October 10, 2020 for amplified music; and

WHEREAS, if applicant is not granted a variance applicant will not be able to have amplified music during the Nat/Smith Wedding at 7 Heather Place; 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 Kerry D'Amato subject to the following conditions:

- 1) The Variance will be for amplified music with a D.J. during the hours of 5:30 p.m. to 10:00 p.m., with a pre-event sound check at 4:30 p.m. on Saturday, October 10, 2020.
- 2) All electronically powered equipment, PA systems, loudspeakers or similar devices used in conjunction with the amplified music must not exceed 75 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 10:00 p.m. on Saturday, October 10, 2020.

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.

Kerry D'Amato has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified music from 5:30 p.m. until 12:00 a.m., with a pre-event sound check on Saturday, October 10, 2020 at 7 Heather Place. 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