



Legislation Text

File #: RES PH 21-195, **Version:** 1

Approving the application of Twin Cities Jazz Festival for a sound level variance in order to present live amplified sound on September 17 and 18, 2021 at 221 Fifth Street East - Mears Park.

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, Twin Cities Jazz Festival, represented by Steve Heckler, Executive Director, who has been designated as the responsible person on the application, has applied for a variance, for 92 dBA measured at no specified distance from the sound source at Mears Park, to present amplified sound; and

WHEREAS, applicant has requested a variance for the hours from 1:00 p.m. to 9:30 p.m. on Friday, September 17 and Saturday, September 18, 2021 with a pre-event sound check at 10:00 a.m. for the Twin Cities Jazz Festival event; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified sound at 221 Fifth Street East - Mears Park; 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 Twin Cities Jazz Festival, subject to the following conditions:

- 1) The Variance shall be for the hours from 1:00 p.m. to 9:30 p.m. on Friday, September 17, and Saturday, September 18, 2021 with a pre-event sound check at 10:00 a.m.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 85 dBA as measured at 50 feet from all sound sources from 1:00 p.m. until 5:00 p.m. on Friday, September 17, 2021 and shall not exceed 92 dBA as measured at 50 feet from all sound sources from 5:00 p.m. until 9:30 p.m. on September 17, 2021 and from 1:00 p.m. until 9:30 p.m. on September 18, 2021.
- 3) The applicant shall provide personnel and equipment who shall provide continuous sound level monitoring at 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 9:30 p.m. September 17 and 18, 2021, the event dates.

FURTHER RESOLVED, that any violations of the conditions set forth above on the September 17 and 18, 2021 dates may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Twin Cities Jazz Festival, represented by Steve Heckler, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified sound, with limitations, from 1:00 p.m. until 9:30 p.m. on September 17 and 18, 2021 at 221 Fifth Street East - Mears Park 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