



## Legislation Text

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**File #:** RES PH 21-201, **Version:** 1

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Approving the application of Film Score Fest for a sound level variance in order to present live amplified sound on September 4, 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, Film Score Fest, represented by Charlie McCarron, Executive Director, who has been designated as the responsible person on the application, has applied for a variance, for a requested sound level limit of 90 dBA at no specified distance, to present amplified sound at 221 Fifth Street East - Mears Park; and

WHEREAS, applicant has requested a variance for the hours from 8:00 p.m. to 9:30 p.m. on Saturday, September 4, 2021 with a pre-event sound check from 7:00 p.m. to 8:00 p.m. for the Film Score Fest 2021; 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 Film Score Fest, subject to the following conditions:

- 1) The Variance shall be for the hours from 8:00 p.m. to 9:30 p.m. on Saturday, September 4, 2021 with a pre-event sound check from 7:00 p.m. to 8:00 p.m.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 90 dBA as measured at 50 feet from all sound sources.
- 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 4, 2021, the event date.

FURTHER RESOLVED, that any violation of the conditions set forth above on any of the dates may result in revocation of this variance for the remaining date(s), in addition to any criminal citation which might issue.

FURTHER RESOLVED, that any violations of the conditions set forth above on the September 4, 2021 date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Film Score Fest, represented by Charlie McCarron, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified sound, with limitations, from 8:00 p.m. until 9:30 p.m. on September 4, 2021. 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