



## Legislation Text

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**File #:** RES PH 23-258, **Version:** 1

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Approving the application of Selby Avenue Jazz Fest/R. Mychael Wright for a sound level variance in order to present live amplified sound on September 9, 2023 at 934 Selby Avenue.

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, Selby Avenue Jazz Fest/R. Mychael Wright - Selby Avenue Jazz Fest, represented by R. Mychael Wright, Director, who have been designated as the responsible persons on the application, has applied for a variance, at no requested sound level limit or specified distance from the sound source, to present amplified sound at 934 Selby Avenue; and

WHEREAS, applicant has requested a variance for the hours from 9:00 a.m. to 7:30 p.m., with a pre-event sound check at 10:00 a.m. on Saturday, September 9, 2023 for the Selby Avenue Jazz Fest; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified sound at 934 Selby Avenue; 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 Selby Avenue Jazz Fest/R. Mychael Wright, subject to the following conditions:

- 1) The Variance shall be for the hours 9:00 a.m. to 7:30 p.m., with a pre-event sound check at 10:00 a.m. on Saturday, September 9, 2023.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 90 dBA as measured at 50 feet from the sound source.
- 3) The applicant shall provide personnel and equipment who shall provide continuous sound level monitoring at each sound source during the hours of the variance.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 7:30 p.m. Saturday, September 9, 2023, the event date.

FURTHER RESOLVED, that any violations of the conditions set forth above on the September 9, 2023 date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Selby Avenue Jazz Fest, represented by R. Mychael Wright, Director, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified sound, with limitations, from 9:00 a.m. to 7:30 p.m., with a pre-event sound check at 10:00 a.m. on Saturday, September 9, 2023. 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