



## Legislation Text

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**File #:** RES PH 24-218, **Version:** 1

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Approving the application of Nativity of Our Lord Catholic Church for a sound level variance in order to present amplified sound on September 13 - 15, 2024 at 1900 Wellesley Avenue - Nativity of Our Lord Catholic School. 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, Nativity of Our Lord Catholic Church, represented by Andy Pieper, Steering Committee, who has been designated as the responsible person on the application, has applied for a variance, for 90 dBA at no specified distance, to present amplified sound for the Nativity County Fair at 1900 Wellesley Ave - Nativity of Our Lord Catholic School; and

WHEREAS, applicant has requested a variance for the hours of 5:00 p.m. to 10:00 p.m. on Friday, September 13, 2024 with a pre-event sound check at 3:00 p.m., 12:00 p.m. to 10:00 p.m. on Saturday, September 14, 2024, and 10:00 a.m. to 3:00 p.m. on Sunday, September 15, 2024 for the Nativity County Fair; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified sound at 1900 Wellesley Ave - Nativity of Our Lord Catholic School; 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 Nativity of Our Lord Catholic School, subject to the following conditions:

- 1) The Variance shall be for the hours of 5:00 p.m. to 10:00 p.m. on Friday, September 13, 2024, 12:00 p.m. to 10:00 p.m. on Saturday, September 14, 2024, and 10:00 a.m. to 3:00 p.m. on Sunday, September 15, 2024, with a pre-event sound check at 3:00 p.m. on Friday, September 13, 2024, for the Nativity County Fair.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 90 dBA at 50 feet from all sound sources
- 3) The applicant shall continuously monitor the decibel level from the variance approved distance of each noise source throughout the duration of the variance and create a report that records the decibel levels at intervals no greater than 10 minutes apart. The report shall be available for viewing by city staff, upon request.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 10:00 p.m. on September 13-14, 2024 and no later than 3:00 p.m. on September 15, 2024, the event dates.

FURTHER RESOLVED, that any violations of the conditions set forth above on the September 13-15, 2024 dates may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Nativity of Our Lord Catholic Church, represented by Andy Pieper, Steering Committee, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified sound, with limitations, from 5:00 p.m. to 10:00 p.m. on Friday, September 13, 2024, 12:00 p.m. to 10:00 p.m. on Saturday, September 14, 2024, and 10:00 a.m. to 3:00 p.m. on Sunday, September 15, 2024, with a pre-event sound check at 3:00 p.m. on Friday, September 13, 2024. 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