Legislation Text

File #: RES PH 26-200, **Version:** 1

Approving the application of Nativity of Our Lord Catholic Church for a sound level variance in order to present amplified sound for Nativity County Fair event on Friday, September 18, Saturday, September 19, and Sunday, September 20, 2026, at 1900 Stanford Avenue - Nativity of Our Lord Catholic School grounds.
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, section 293.10 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 ("Applicant"), represented by Nick Strauss, Steering Committee, who has been designated as the responsible person on the application, has applied for a variance for a sound level limit of 85-90 decibels (dBA) at fifty (50) feet from the sound source to present amplified sound at 1900 Stanford Avenue - Nativity of Our Lord Catholic School grounds; and

WHEREAS, the Applicant has requested a variance for the hours of 5:00 pm to 10:00 pm on Friday, September 18, for the hours of 12:00 pm to 10:00 pm on Saturday, September 19, and for the hours of 10:00 am to 3:00 pm on Sunday, September 20, 2026, with a pre-event sound check at 3:00 pm on Friday, September 18, 2026, for the Nativity County Fair event; and

WHEREAS, if the Applicant is not granted a variance, then the Applicant will not be able to present amplified sound at 1900 Stanford Avenue - Nativity of Our Lord Catholic School grounds; 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 Church, subject to the following conditions:

1) The Variance shall be for the hours of 5:00 pm to 10:00 pm on Friday, September 18, for the hours of 12:00 pm to 10:00 pm on Saturday, September 19, and for the hours of 10:00 am to 3:00 pm on Sunday, September 20, 2026, with a pre-event sound check at 3:00 pm on Friday, September 18, 2026, for the Nativity County Fair event.

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 from 5:00 pm to 10:00 pm on Friday, September 18, for the hours of 12:00 pm to 10:00 pm on Saturday, September 19, and for the hours of 10:00 am to 3:00 pm on Sunday, September 20, 2026.

3) The applicant shall monitor the decibel level from the variance approved distance of each noise source and create a report that records the general operating decibel levels within 15 minutes of the start of each performing act and at intervals no greater than 60 minutes apart thereafter. The report shall be made available for viewing by city staff upon request during the variance and within 30 days thereafter. The Applicant shall also conduct a decibel reading during the variance upon request of city staff.

4) All electronically powered equipment, PA systems, loudspeakers, or similar devices shall be turned off no later than 9:59 pm on Friday, September 18, and Saturday, September 19, and 2:59 pm on Sunday, September 20, 2026.

FURTHER RESOLVED, that any violations of the conditions set forth above on Friday, September 18, Saturday, September 19, or Sunday, September 20, 2026, the event dates, may result in the revocation or modification of this variance, the denial of future applications for a variance, and/or the issue of any criminal citation.

Nativity of Our Lord Catholic Church, represented by Nick Strauss, Steering Committee, has requested a variance from the sound level limitations in section 293.07 in order to present amplified sound, with limitations, from 5:00 pm to 10:00 pm on Friday, September 18, 12:00 pm to 10:00 pm on Saturday, September 19, and 10:00 am to 3:00 pm on Sunday, September 20, 2026. Section 293.10 provides for the granting of variances from the sound level limitations contained in section 293.07.

Was proper notice given? YES - See Attachments