



## Legislation Text

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**File #:** RES 11-586, **Version:** 1

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Approving the application of the St. Paul Saints Baseball Club, Inc. for a sound level variance in order to present amplified music, with limitations, from 2:00 p.m. until 10:15 p.m. on May 28 and 29, 2011 at Midway Stadium.

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, St. Paul Saints Baseball Club, Inc., represented by Tom Whaley, Executive Vice-President, who has been designated as the responsible person on the application, has applied for a variance to present amplified music at Midway Stadium, 1771 Energy Park Drive; and

WHEREAS, applicant is seeking a variance for the hours of 2:00 p.m. until 10:15 p.m. on May 28 and 29, 2011; and

WHEREAS, if applicant is not granted a variance it will not be able to present amplified music at Midway Stadium; 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 St. Paul Saints Baseball Club, Inc., subject to the following conditions:

- 1) The variance shall be for the hours of 2:00 p.m. until 10:15 p.m. on May 28 and 29, 2011 at Midway Stadium, 1771 Energy Park Drive.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 100 dBA, as measured at the shortest distance between the sound mix or 100 feet from the stage.
- 3) The applicant shall provide personnel and equipment who shall provide continuous sound level monitoring at all stages and each sound mix during the hours of the variance, to ensure compliance with Condition #2.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 10:15 p.m. on each date.

FURTHER RESOLVED, that any violations of the conditions set forth above on the first date may result in revocation of the grant of a variance for the subsequent date, in addition to any criminal citation which might issue.

The St. Paul Saints Baseball Club, Inc., represented by Tom Whaley, Executive Vice-President, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified music, with

limitations, from

2:00 p.m. until 10:15 p.m. on May 28 and 29, 2011 at Midway Stadium, 1771 Energy Park Drive. 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