



## Legislation Text

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**File #:** RES PH 11-920, **Version:** 1

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Approving the application of Northern Lights.mn for a sound level variance in order to present a dusk to dawn participatory art event called Northern Spark from 7:00 p.m. on June 4, 2011 to 5:28 a.m. on June 5, 2011 at various locations in Saint Paul.

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, the Northern Lights.mn, represented by Steve Dietz, President and Artistic Director, who has been designated as the responsible person on the application, has applied for a variance to present a dusk to dawn participatory art event called Northern Spark at various locations in Saint Paul; and

WHEREAS, applicant is seeking a variance for the hours beginning at 7:00 p.m. on June 4, 2011 to 5:28 a.m. on June 5, 2011; and

WHEREAS, if applicant is not granted a variance it will not be able to present various participatory art events that allow creators and performers of new media arts from around the world, to showcase their groundbreaking works of music, art, theater, and dance, that feature use of new technologies; 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 the Northern Lights.mn, for the following events locations and subject to the following conditions:

- 1) Pre-Event Concert featuring electronic music with amplified speakers. History Theater, 10<sup>th</sup> Street and Cedar Street.
  - a. Activity date and time shall be June 4, 2011 from 7:00 p.m. to 8:30 p.m.
  - b. Sound levels shall not exceed 85 dBA measured 50 feet from the source.
- 2) Opening Event featuring 8 cars playing a musical composition on their horns. Upper Landing Parking Lot 221 Shepard Road.
  - a. Performance shall be on June 4, 2011 from 8:55 p.m. to 9:03p.m.
  - b. Cars shall face away from nearby residential use properties.
  - c. Performance shall be limited to 8 minutes or less.
- 3) Schubert Club's 3-Horn Fanfare. North side balcony of the Landmark building facing Hamm Plaza. 102 6<sup>th</sup> Street West.
  - a. Each performance shall be limited five (5) minutes in duration and to not more than three (3) horns per performance.
  - b. Performance dates and times shall be June 4, 2011 at 8:55 p.m., 9:30 p.m., 10:00 p.m., 11:00 p.m. and on June 5, 2011 at 12:00 a.m., and 5:28 a.m.

- c. Sound levels shall not exceed 80 dBA measured 50 feet from the source.
- 4) Video Projection and Shadow Puppet Show featuring live acoustic performance and electronic music. Science Museum and Celebration Field near 164 Ryan Avenue.
  - a. Performances shall be on June 4, 2011 from 9:30 p.m. to 10:00 p.m. and 11:00 p.m. to 11:30 p.m.
  - b. Speakers shall face away from nearby residential use areas.
  - c. Sound levels shall not exceed 60 dBA measured 50 feet from the source.
- 5) Flint Hills and Ordway Live Puppet Performers with amplified music. Landmark Plaza, 370 Saint Peter Street.
  - a. Performances shall be on June 4, 2011 from 9:35 p.m. to 9:55 p.m. and 10:05 p.m. to 10:25 p.m.
  - b. Speakers shall face away from nearby residential use areas.
  - c. Sound levels shall not exceed 80 dBA measured 50 feet from the source.
- 6) Sewer Pipe Organ featuring speakers installed beneath sewer grates. Upper Landing Park.
  - a. Activity shall begin on June 4, 2011 at 8:55 p.m. and end on June 5, 2011 at 5:28 a.m.
  - b. Amplified speakers shall be directed away from residential use areas.
  - c. Sound levels shall not exceed 65 dBA measured 50 feet from the source.
- 7) Wind Harps featuring instruments of metal and string the make a naturally soft acoustic sound. Upper Landing Park.
  - a. Activity shall begin on June 4, 2011 at 8:55 p.m. and end on June 5, 2011 at 5:28 a.m.
  - b. Instruments shall be located a minimum of 300 feet from residential use properties.
  - c. Sound levels shall not exceed 65 dBA measured 50 feet from the source.
- 8) Movies with audio from speakers. - Saint Paul Central Library Courtyard, 76 Kellogg Blvd West.
  - a. Activity shall begin on June 4, 2011 at 8:55 p.m. and end on June 5, 2011 at 5:28 a.m.
  - b. Sound levels shall not exceed 80 dBA measured 50 feet from the source.
- 9) American Composers' Forum featuring a collection of music to be output by speakers. Broadway Street between Prince Street and Kellogg Blvd East.
  - a. Activity shall begin on June 4, 2011 at 8:55 p.m. and end on June 5, 2011 at 5:28 a.m.
  - a. Speakers shall be faced away from residential use properties.
  - c. Sound levels shall not exceed 80 dBA measured 50 feet from the source.
- 10) The applicant shall provide personnel and equipment to provide continuous sound level monitoring at all locations during the hours of the variance to ensure compliance with the conditions listed above.
- 11) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 5:30 a.m. on the event date.

FURTHER RESOLVED, that any violations of the conditions set forth above may result in a criminal citation and/or the denial of any future variance requests.

The Northern Lights.mn, represented by Steve Dietz, President and Artistic Director, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present various participatory art events that allow creators and performers of new media arts from around the world, to showcase their groundbreaking works of music, art, theater, and dance, that feature use of new technologies at various Saint Paul locations. 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

