



Legislation Text

File #: RES PH 11-995, **Version:** 1

Approving the application of Steve Heckler for a sound level variance in order to provide amplified music and the use of a P.A. sound system from 5:00 p.m. until 10:00 p.m. on September 9, 2011; from 12:00 noon until 10:00 p.m. on September 10, 2011; and from 1:00 pm. until 5:00 p.m. on September 11, 2011 during the Concrete & Grass Lowertown Festival at Mears Park.

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, Concrete & Grass Lowertown Festival, represented by Steve Heckler, Director, who has been designated as the responsible person on the application, has applied for a variance to provide use of P. A. amplified sound at Mears Park; and

WHEREAS, applicant is seeking a variance for the hours of 5:00 p.m. until 10:00 p.m. on September 9, 2011, from 12:00 noon until 10:00 p.m. on September 10, 2011, and from 1:00 pm. until 5:00 p.m. on September 11, 2011 during the Concrete & Grass Lowertown Festival at Mears Park; and

WHEREAS, if applicant is not granted a variance it will not be able to provide the use of P. A. sound system and amplified music at Mears Park; 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 Steve Heckler, subject to the following conditions:

- 1) The variance shall be for the hours of 5:00 p.m. until 10:00 p.m. on September 9, 2011, from 12:00 noon until 10:00 p.m. on September 10, 2011, and from 1:00 pm. until 5:00 p.m. on September 11, 2011 during the Concrete & Grass Lowertown Festival at Mears Park.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 85 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 mix during the hours of the variance.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 10:00 p.m. on September 9 -10, 2011 and 5:00 p.m. on September 11, 2011.

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

Concrete & Grass Lowertown Festival, represented by Steve Heckler, Director, has requested an exemption from the sound level limitations in Chapter 293.07 in order to provide the use of an amplified P. A. system, with limitations, from 5:00 p.m. until 10:00 p.m. on September 9, 2011, from 12:00 noon until 10:00 p.m. on September 10, 2011, and from 1:00 pm. until 5:00 p.m. on September 11, 2011 during the Concrete & Grass Lowertown Festival at Mears Park. 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