



## Legislation Text

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**File #:** RES PH 11-1003, **Version:** 1

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Approving the application of McNally Smith College of Music for a sound level variance in order to allow the use of a PA sound system and present amplified music from 1:00 p.m. until 6:00 p.m. on August 21, 2011 during a community event concert in the courtyard of 19 Exchange Street East.

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, McNally Smith College of Music, represented by Chelsea Dammen, Events Manager, who has been designated as the responsible person on the application, has applied for a variance to allow the use of a PA sound system and present amplified music in the courtyard of 19 Exchange St. E; and

WHEREAS, applicant is seeking a variance for the hours of 1:00 p.m. to 6:00 p.m. on August 21, 2011 during a community event concert; and

WHEREAS, if applicant is not granted a variance it will not be able to present amplified music in 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 McNally Smith College of Music, subject to the following conditions:

- 1) The variance shall be for the hours of 1:00 p.m. to 6:00 p.m. on August 21, 2011.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 85 dBA as measured at the sound mix or 50 feet from the stage, whichever is closer.
- 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 6:00 p.m. on the event date.

FURTHER RESOLVED, that any violations of the conditions set forth above on the August 21, 2011 date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

McNally Smith College of Music, represented by Chelsea Dammen, Events Manager, has requested an exemption from the sound level limitations in Chapter 293.07 in order to allow the use of PA sound system and to present amplified music, with limitations, from 1:00 p.m. until 6:00 p.m. on August 21, 2011 during a

community event concert. 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