



Legislation Details (With Text)

**File #:** RES PH 17- 155      **Version:** 1

**Type:** Resolution-Public Hearing      **Status:** Passed

**In control:** City Council

**Final action:** 6/21/2017

**Title:** Approving the application of Shakey Bones for a sound level variance in order to present announcements and amplified music on Saturday, July 8, 2017 at Raspberry Island/Wabasha Street during Shakey Bones Customer Appreciation.

**Sponsors:** Rebecca Noecker

**Indexes:** Ward - 2

**Code sections:**

**Attachments:** 1. Application, 2. ENS, 3. Map, 4. Notice to Owners, 5. List of Owners, 6. Letter to Applicant

Date	Ver.	Action By	Action	Result
6/26/2017	1	Mayor's Office	Signed	
6/21/2017	1	City Council	Adopted	Pass

Approving the application of Shakey Bones for a sound level variance in order to present announcements and amplified music on Saturday, July 8, 2017 at Raspberry Island/Wabasha Street during Shakey Bones Customer Appreciation.

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, Shakey Bones, represented by May Hane, who has been designated as the responsible person on the application, has applied for a variance to present a DJ and amplified music at Raspberry Island/Wabasha Street; and

WHEREAS, applicant is seeking a variance for the hours of 11:00 a.m. until 4:00 p.m. on Saturday, July 8, 2017 at Raspberry Island/Wabasha Street, during Shakey Bones Customer Appreciation; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present a DJ and amplified music at Raspberry Island/Wabasha Street; 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 Shakey Bones, subject to the following conditions:

- 1) The variance shall be for the hours of 11:00 a.m. to 4:00 p.m. on Saturday, July 8, 2017.

- 2) All electronically powered equipment used in conjunction with the event shall not exceed 90 dBA as measured 100 feet from sound source.
- 3) The applicant shall provide personnel and equipment to ensure compliance with the sound level variance conditions. The applicant may need to provide a barrier, to act as a sound absorber to contain excess sound from leaving the area.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 4:00 p.m. on the date of the event.

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.

Shakey Bones, represented by Mary Hane, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present a DJ and amplified music, with limitations, from 11:00 a.m. to 4:00 p.m., on Saturday, July 8, 2017, during the Shakey Bones Customer Appreciation event at Raspberry Island/Wabasha Street. 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