



## Legislation Text

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**File #:** RES PH 17-190, **Version:** 1

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Approving the application of Dark Horse Bar and Eatery in order to present amplified music on August 22, 2017 during A Night in Havana, a private event, on the patio at 250 7<sup>th</sup> 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, Dark Horse Bar and Eatery, represented by Patrick Whelan, Owner, who has been designated as the responsible person on the application, has applied for a variance, at no specified sound level limit or distance, to present amplified music on the patio at 250 7<sup>th</sup> Street East; and

WHEREAS, applicant is seeking a variance for the hours of 4:00 p.m. until 9:30 p.m. on Tuesday, August 22, 2017 during the A Night in Havana, a private event for donors of Gillette Children's Hospital, at 250 7<sup>th</sup> Street East; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified music at Dark Horse Bar and Eatery Patio, 250 7<sup>th</sup> Street East; 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 Dark Horse Bar and Eatery, subject to the following conditions:

- 1) The variance shall be for the hours of 4:00 p.m. until 9:30 p.m. on Tuesday, August 22, 2017.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 85 dBA as measured 50 feet from sound source.
- 3) The applicant shall provide personnel and equipment to ensure compliance with the sound level variance conditions.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 9:30 p.m. on August 22, 2017, 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.

Dark Horse Bar and Eatery, represented by Patrick Whelan, Owner, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified music, with limitations, from 4:00 p.m. until 9:30 p.m. on Tuesday, August 22, 2017, during A Night in Havana, a private event for donors of Gillette

Children's Hospital Donor, on the patio at 250 7<sup>th</sup> Street East. 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