



## Legislation Text

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**File #:** RES PH 12-173, **Version:** 1

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Approving the application of the Cherry Pit Bar & Grill for a sound level variance in order to present amplified live music from 5:00 p.m. until 11:30 p.m. on July 14, 2012 at 735 White Bear Avenue North.

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 Cherry Pit Bar & Grill, represented by Nicole Cherry, President, who has been designated as the responsible person on the application, has applied for a variance to present amplified live music at 735 White Bear Avenue N; and

WHEREAS, applicant has requested a variance for the hours of 5:00 p.m. to 11:30 p.m. on July 14, 2012; and

WHEREAS, if applicant is not granted a variance it will not be able to present amplified live music at 735 White Bear Avenue N.; 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 Cherry Pit Bar & Grill, subject to the following conditions:

- 1) The variance shall be for the hours of 5:00 p.m. to 11:30 p.m. on July 14, 2012.
- 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 until 10:00 p.m. and shall not exceed 75 dBA as measured at the sound mix or 50 feet from the stage until 11:30 p.m.
- 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 11:30 p.m. on the event date.

FURTHER RESOLVED, that any violations of the conditions set forth above on the July 14, 2012 date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

The Cherry Pit Bar & Grill, represented by Nicole Cherry, President, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified live music, with limitations, from 5:00 p.m. until 11:30 p.m. on July 14, 2012. 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