



## Legislation Text

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**File #:** RES PH 19-58, **Version:** 1

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Approving the application of Bennett's Chop & Railhouse for a sound level variance to present live amplified music in an enclosed tent on Friday, March 15, and Saturday, March 16, 2019 at 1305 7<sup>th</sup> Street West.

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, Bennett's Chop & Railhouse, represented by Joe Bennett, 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 live amplified music in an enclosed tent at 1305 7<sup>th</sup> Street West; and

WHEREAS, applicant has requested a variance for the hours from 7:00 p.m. to 11:00 p.m., with a pre-event sound check at 6:00 p.m. on Friday, March 15 and Saturday, March 16, 2019 for Bennett's St. Patrick's Day Tent Party; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified music at 1305 7<sup>th</sup> Street West; 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 Bennett's Chop & Railhouse, subject to the following conditions:

- 1) The Variance shall be for the hours from 7:00 p.m. to 10:59 p.m., with a pre-event sound check at 6:00 p.m. on Friday, March 15 and Saturday, March 16, 2019.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 90 dBA as measured at 50 feet from all sound sources outside of the fully enclosed tents.
- 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 10:59 p.m. on Friday, March 15 and Saturday, March 16, 2019, the event dates.

FURTHER RESOLVED, that any violations of the conditions set forth above on the Friday, March 15 and Saturday, March 16, 2019 dates may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Bennett's Chop & Railhouse, represented by Joe Bennett, have requested an exemption from the sound level limitations in Chapter 293.07 in order to present live amplified music, with limitations, from 7:00 p.m. until 11:00

p.m. on Friday, March 15, and Saturday, March 16, 2019. 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