



## Legislation Text

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**File #:** RES PH 16-48, **Version:** 1

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Approving the application of O’Gara’s Bar and Grill Inc. for a sound level variance in order to present amplified music in an enclosed tent on Thursday, March 17, 2016 at 164 Snelling 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, O’Gara’s, represented by Dan and Kris O’Gara, who have been designated as the responsible persons on the application, have applied for a variance to present amplified music in an enclosed tent at 164 Snelling Ave North; and

WHEREAS, applicant has requested a variance for the hours of 3:00 p.m. on March 17, 2016 to 1:00 a.m. on March 18, 2016; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified music at 164 Snelling Ave North; 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 O’Gara’s Bar and Grill, subject to the following conditions:

- 1) The variance shall be for the hours of 3:00 p.m. to 10:30 p.m. on Thursday, March 17, 2016.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 95 dBA as measured at 50 feet within a fully enclosed tent.
- 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 10:30 p.m. on March 17, 2016.

FURTHER RESOLVED, that any violations of the conditions set forth above on the March 17, 2016 date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

O’Gara’s Bar and Grill Inc., represented by Dan and Kris O’Gara, have requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified music, with limitations, from 3:00 p.m. on March 17, 2016 until 1:00 a.m. on March 18, 2016. 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