



Legislation Details (With Text)

File #: RES PH 23-34 **Version:** 1

Type: Resolution-Public Hearing **Status:** Passed
In control: City Council
Final action: 2/22/2023

Title: Approving the application of Burger Moe's for a sound level variance in order to present amplified sound on Saturday, March 11, 2023, and Friday, March 17, 2023 at 242 7th St W - Burger Moe's.

Sponsors: Rebecca Noecker

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Code sections:

Attachments: 1. Updated Lucky Palooza & St. Patrick's Day Application, 2. ENS.1, 3. Map, 4. Lucky Palooza & St. Patrick's Day.Notice to Owners, 5. Owners list, 6. Lucky Palooza & St. Patrick's Day.Letter to Applicant

Date	Ver.	Action By	Action	Result
2/24/2023	1	Mayor's Office	Signed	
2/22/2023	1	City Council	Adopted	Pass

Approving the application of Burger Moe's for a sound level variance in order to present amplified sound on Saturday, March 11, 2023, and Friday, March 17, 2023 at 242 7th St W - Burger Moe's.

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, Burger Moe's, represented by Moe Sharif, Owner, who has been designated as the responsible person on the application, has applied for a variance, for a sound level limit of no specific dBA and distance, to present amplified sound for a Lucky Palooza & St. Patrick's Day events on March 11, 2023 and March 17, 2023, outside of 242 7th St W - Burger Moe's; and

WHEREAS, applicant has requested a variance for the hours of 12:00 p.m. to 11:30 p.m. on Saturday, March 11, 2023, and Friday, March 17, 2023 for a Lucky Palooza & St. Patrick's Day events; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified sound outside of 242 7th St W - Burger Moe's; 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 Burger Moe's, subject to the following conditions:

- 1) The Variance shall be for the hours from 12:00 p.m. to 11:29 p.m. on Saturday, March 11, 2023, and Friday, March 17, 2023 for a Lucky Palooza and St. Patrick's Day events.

- 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 tent on March 11, 2023 and March 17, 2023, from 12:00 p.m. until 10:59 p.m. and shall not exceed 80 dBA as measured at 50 feet outside of the fully enclosed tent from 11:00 p.m. until 11:29 p.m. on March 11, 2023 and March 17, 2023. 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 11:29 p.m. on March 11 and 17, 2023.
- 3) The applicant shall provide personnel and equipment who shall provide continuous sound level monitoring at each sound source during the hours of the variance.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 11:29 p.m. on March 11, 2023, and March 17, 2023, the event dates.

FURTHER RESOLVED, that any violations of the conditions set forth above on the March 11, 2023, and March 17, 2023 dates may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Burger Moe's, represented by Moe Sharif, Owner, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified sound for Lucky Palooza & St. Patrick's Day on March 11, 2023, and March 17, 2023 with limitations, 12:00 p.m. to 11:30 p.m.. 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