



## Legislation Text

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**File #:** RES PH 13-31, **Version:** 2

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Approving the application of Sandy Schwarz, manager of Wild Tymes, for a sound level variance in order to present amplified music from 12:00 noon until 8:00 p.m. on March 16 & 17, 2013 at 33 Seventh Place 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, Wild Tymes, represented by Sandy Schwarz, Manager, who has been designated as the responsible persons on the application, has applied for a variance to present amplified music at 33 Seventh Place West; and

WHEREAS, applicant is seeking a variance for the hours of 12:00 noon until 8:00 p.m. on March 16 & 17, 2013; and

WHEREAS, if applicant is not granted a variance it will not be able to present amplified music at 33 Seventh Place 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 Wild Tymes, subject to the following conditions:

- 1) The variance shall be for the hours of 12:00 noon until 8:00 p.m. on March 16 & 17, 2013 during their Saint Patrick's Day celebration.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 85 dBA as measured at 50 feet from sound source.
- 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 8:00 p.m. on the event date.

FURTHER RESOLVED, that any violations of the conditions set forth above on the March 16 & 17, 2013 date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Wild Tymes, represented by Sandy Schwarz, Manager, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified music, with limitations, outdoors at 33 Seventh

Place West, from 12:00 noon until 8:00 p.m. on March 16 & 17, 2013 during their Saint Patrick's Day celebration. 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