



Legislation Text

File #: RES PH 13-243, **Version:** 1

Approving the application of Russell Klein, owner of Meritage, for a sound level variance in order to present amplified live music on St. Peter Street between Sixth & Seventh Streets from 12:00 noon until 8:00 p.m. on October 13, 2013 for the Meritage Oysterfest.

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 Meritage Oysterfest, represented by Russell Klein, who has been designated as the responsible person on the application, has applied for a variance to present amplified live music in the street in front of Meritage Restaurant/410 Saint Peter Street between 6th & 7th Streets; and

WHEREAS, applicant is seeking a variance for the hours of 12:00 noon to 8:00 p.m. on October 13, 2013 during the Meritage Oysterfest; and

WHEREAS, if applicant is not granted a variance it will not be able to present amplified music in the street in front of 410 Saint Peter Street between 6th & 7th Streets; 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 Meritage Oysterfest, subject to the following conditions:

- 1) The variance shall be for the hours of 12:00 noon to 8:00 p.m. on October 13, 2013.
- 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, whichever is closer.
- 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 October 13, 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.

The Meritage Oysterfest, represented by Russell Klein, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified music, with limitations, from 12:00 noon until 8:00

p.m. on October 13, 2013 during the Meritage Oysterfest. 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