Legislation Text

File #: RES PH 16-310, **Version:** 1

Approving the application of Meritage Restaurant for a sound level variance in order to present amplified live music at Hamm Plaza, 99 Sixth Street West, on Sunday, October 16, 2016 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 Kelly Hansen, Assistant Director of Operations, who has been designated as the responsible person on the application, has applied for a variance, at a specified sound level limit of 85 dBA at 50 feet, to present amplified live music at Hamm Plaza, 99 6th Street West; and

WHEREAS, applicant is seeking a variance for the hours of 12:00 noon to 6:00 p.m., with a pre-event sound check at 10:30 a.m. on October 16, 2016 during the Meritage Oysterfest; and

WHEREAS, if applicant is not granted a variance it will not be able to present amplified music at Hamm Plaza, 99 6th Street West between 6th & 7th Streets; and

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 6:00 p.m., with a pre-event sound check at 10:30 a.m. on October 16, 2016.

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 6:00 p.m. on the event date.

FURTHER RESOLVED, that any violations of the conditions set forth above on the October 16, 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.

The Meritage Oysterfest, represented by Kelly Hansen, 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 6:00 p.m. on October 16, 2016 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