Legislation Text

File #: RES PH 18-262, **Version:** 1

Approving the application of Tom Schroeder, Waldmann, for a sound level variance to present amplified music on Friday, September 28 through Sunday, September 30, 2018 during the Waldmann Oktoberfest.

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, Waldmann, represented by Tom Schroeder, CEO, has applied for a variance, with a sound level request of 80 dBA at no specified distance, to present amplified music at 445 Smith Avenue North; and

WHEREAS, applicant is seeking a variance beginning Friday, September 28 through Sunday, September 30, 2018, from 12:00 p.m. until 10:00 p.m., with a pre-event sound check at 11:00 a.m. on Friday, September 28 and Saturday, September 29, 2018 and from 12:00 p.m. until 8:00 p.m. on Sunday, September 30, 2018, for Waldmann Oktoberfest; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified live music; 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 Waldmann for Oktoberfest subject to the following conditions:

1) The variance will be for the Waldmann Oktoberfest, for Friday, September 28 and Saturday, September 29, 2018 from 12:00 p.m. to 10:00 p.m. and on Sunday, September 30, 2018, from 12:00 p.m. to 8:00 p.m., with a pre-event sound check at 11:00 a.m. daily.

2) All electronically powered equipment, PA systems, loudspeakers or similar devices used in conjunction with the event shall not exceed 80 dBA as measured at 50 feet from the sound source during the hours of the event.

3) The applicant will provide personnel and equipment to ensure compliance with the sound level variance conditions.

4) All electronically powered equipment, PA systems, loudspeakers or similar devices must be turned off no later than 10:00 p.m. on Friday, September 28 and Saturday, September 29, 2018 and no later than 8:00 p.m. on Sunday, September 30, 2018, the days of the event performances.

FURTHER RESOLVED, that any violations of the conditions set forth above, may result in denial of any future variances, in addition to any criminal citation which may be issued.

Tom Schroeder, Waldmann, has requested an exemption from the sound level limitations in Chapter 293.07 in

order to present amplified music, with limitations, beginning Friday, September 28 through Sunday, September 30, 2018; from 12:00 p.m. to 10:00 p.m. on Friday, September 28 and Saturday, September 29, 2018 and from 12:00 p.m. to 8:00 p.m. on Sunday, September 30, 2018, with a pre-event sound check daily at 11:00 a.m., during Walmann Oktoberfest at 445 Smith Avenue North. 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