



## Legislation Text

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**File #:** RES PH 21-213, **Version:** 1

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Approving the application of Stone Saloon, SBC dba Waldmann for a sound level variance in order to present live amplified sound on September 17, 18, 19, 24, 25 and 26, 2021 at 445 Smith Avenue North.

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, Stone Saloon, SBC dba Waldmann, represented Tom Schroeder, President/CEO, who has been designated as the responsible person on the application, has applied for a variance, for a requested sound level limit of 85 dBA at no specified distance, to present amplified sound at 445 Smith Ave N.; and

WHEREAS, applicant has requested a variance for the hours from 12:00 pm to 10:00 pm. on September 17, 18 and 24, 25, 2021 and 12:00 pm to 7:00 pm on September 19 and 26, 2021 with a pre-event sound check from 11:00 a.m. to 12:00 p.m. for the Waldmann Oktoberfest; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified sound at 445 Smith Ave N.; 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 Stone Saloon, SBC dba Waldmann, subject to the following conditions:

- 1) The Variance shall be for the hours from 12:00 pm to 10:00 pm. on September 17, 18, 24, 25, 2021 and 12:00 pm to 7:00 pm on September 19 and 26, 2021 with a pre-event sound check from 11:00 a.m. to 12:00 p.m.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 85 dBA at 50 feet from the sound source specified distance from all sound sources.
- 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 10:00 pm on September 17, 18, 24, 25, 2021 and 7:00 pm on September 19 and 26, 2021, the event dates.

FURTHER RESOLVED, that any violations of the conditions set forth above on the September 17, 18, 19, 24, 25 and 26, 2021 date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Stone Saloon, SBC dba Waldmann, represented Tom Schroeder has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified sound, with limitations, from 12:00 pm to 10:00 pm. on September 17, 18 and 24, 25, 2021 and 12:00 pm to 7:00 pm on September 19 and 26, 2021. 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