



## Legislation Text

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**File #:** RES PH 23-26, **Version:** 1

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Approving the application of the Patrick McGovern's Pub for a sound level variance in order to present amplified sound on Saturday, March 11, 2023, Friday, March 17, 2023, and Saturday, March 18, 2023 at 225 7th St W - Patrick McGovern's Pub.

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, Patrick McGovern's Pub, represented by Kelly Sellman, General Manager, who has been designated as the responsible person on the application, has applied for a variance, for a sound level limit of 100 dBA at no specified distance, to present amplified sound for a Lucky Palooza & St. Patrick's Day events on March 11, 2023, March 17, 2023, and March 18, 2023 outside of 225 7th St W - Patrick McGovern's Pub in a fully enclosed tent; and

WHEREAS, applicant has requested a variance for the hours of 2:00 p.m. to 12:00 a.m. on Saturday, March 11, 2023, Friday, March 17, 2023 and Saturday, March 18, 2023 for a Lucky Palooza & St. Patrick's Day events; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified sound outside of 225 7th St W - Patrick McGovern's Pub in a fully enclosed tent; 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 Patrick McGovern's Pub, subject to the following conditions:

- 1) The Variance shall be for the hours from 2:00 p.m. to 11:59 p.m. on Saturday, March 11, 2023, Friday, March 17, 2023 and Saturday, March 18, 2023 for a Lucky Palooza and St. Patrick's Day events.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 90 dBA as measured at 50 feet from the sound sources outside of the fully enclosed tent from 2:00 p.m. until 10:59 p.m. and shall not exceed 80 dBA as measured at 50 feet outside of the fully enclosed tent from 11:00 p.m. until 11:59 p.m. on Saturday, March 11, 2023, Friday, March 17 and Saturday, March 18, 2023.
- 3) The applicant shall provide personnel and equipment who shall provide continuous sound level monitoring at each sound source during the hours of the variance.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 11:59 p.m. on March 11, 2023, March 17, 2023 and March 18, 2023, the event dates.

FURTHER RESOLVED, that any violations of the conditions set forth above on the March 11, 2023, March 17, 2022, and March 18, 2023 dates may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Patrick McGovern's Pub, represented by Kelly Sellman, General Manager, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified sound for Lucky Palooza & St. Patrick's Day on March 11, 2023, March 17, 2023, and on March 18, 2023 with limitations, 2:00 p.m. to 12:00 a.m.. 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