



Legislation Text

File #: RES PH 25-16, **Version:** 1

Approving the application of Burger Moe's for a sound level variance in order to present amplified sound for the St Patrick's Day/Lucky Palooza events on March 15, 2025 and March 16, 2025 at 242 7th Street West - Burger Moe's parking lot.

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, Burger Moe's, represented by Moe Sharif, Owner, who has been designated as the responsible person on the application, has applied for a variance, for no specified sound level or distance from the sound source, to present amplified sound at 242 7th St W - Burger Moe's parking lot; and

WHEREAS, applicant has requested a variance for the hours of 12:00 p.m. to 11:00 p.m., on Saturday March 15, 2025 and Monday March 17, 2025 for the St Patrick's Day/Lucky Palooza events; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified sound at 242 7th St W - Burger Moe's parking lot; 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 Burger Moe's, subject to the following conditions:

- 1) The Variance shall be for the hours of 12:00 p.m. to 11:00 p.m. on Saturday, March 15, 2025 and 12:00 p.m. until 10:00 p.m. on Monday, March 17, 2025, , for the St Patrick's Day/Lucky Palooza events.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 90 dBA as measured at 50 feet from all sound sources outside of the fully enclosed tent from 12:00 p.m. until 11:00 p.m. on Saturday, March 15, 2025 and from 12:00 p.m. until 10:00 p.m. on Monday, March 17, 2025.
- 3) The applicant shall continuously monitor the decibel level from the variance approved distance of each noise source throughout the duration of the variance and create a report that records the decibel levels at intervals no greater than 10 minutes apart. The report shall be available for viewing by city staff, upon request. The applicant shall provide personnel and equipment who shall provide continuous sound level monitoring at the 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 11:00 p.m. March 15, 2025 and no later than 10:00 p.m. on March 17, 2025.

FURTHER RESOLVED, that any violations of the conditions set forth above on the March 15, 2025 and March

17, 2025 dates may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Burger Moe's, represented by Moe Sharif, Owner, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified sound, with limitations, from 12:00 p.m. to 11:00 p.m. on Saturday, March 15, 2025 and Monday, March 17, 2025. 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