



Legislation Text

File #: RES PH 11-910, **Version:** 1

Approving the application of BJPS Enterprises, Inc., dba Schroeder's Bar & Grill, for a sound level variance in order to present amplified music from 9:00 a.m. until 12:00 midnight on June 25, 2011 during their 8th Annual Rib Cookoff Contest in a tent at 605 Front Avenue.

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, BJPS Enterprises, Inc., dba Schroeder's Bar & Grill, represented by Patrick Hauer, Manager, who has been designated as the responsible persons on the application, has applied for a variance to present amplified music in a tent at 605 Front Avenue; and

WHEREAS, applicant is seeking a variance for the hours of 9:00 a.m. to 12:00 Midnight on June 25, 2011 during their 8th Annual Rib Cookoff Contest; and

WHEREAS, if applicant is not granted a variance it will not be able to present amplified music at 605 Front Avenue; 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 BJPS Enterprises, Inc., dba Schroeder's Bar & Grill, subject to the following conditions:

- 1) The variance shall be for the hours of 9:00 a.m. to 12:00 Midnight on June 25, 2011.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 90 dBA as measured inside the tent at the wall opposite the sound source.
- 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 12:00 Midnight on the event date.

FURTHER RESOLVED, that any violations of the conditions set forth above on the June 25, 2011 date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

BJPS Enterprises, Inc., dba Schroeder's Bar & Grill, represented by Patrick Hauer, Manager, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified music, with limitations, from 9:00 a.m. until 12:00 Midnight on June 25, 2011 during their 8th Annual Rib Cookoff Contest.

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