



## Legislation Details (With Text)

**File #:** RES PH 12- 117 **Version:** 1

**Type:** Resolution-Public Hearing **Status:** Passed  
**In control:** City Council  
**Final action:** 5/2/2012

**Title:** Approving the application of the Ordway Center For The Performing Arts for a sound level variance in order to allow amplified live band music between 5:30 p.m. and 10:30 p.m. on June 14, 21, & 28, July 12, 19, & 26, and August 2 & 9, 2012 in Landmark Plaza.

**Sponsors:** Dave Thune

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordway SLV Application.pdf, 2. Ordway SLV ENS.pdf, 3. Ordway Applicant Notification Letter.pdf, 4. Ordway District Council 17 Notification Letter.pdf, 5. Ordway Center Circle Map.pdf, 6. Ordway Property Owner List.pdf, 7. Ordway Property Owner Example.pdf

Date	Ver.	Action By	Action	Result
5/7/2012	1	Mayor's Office	Signed	
5/2/2012	1	City Council	Adopted	Pass

Approving the application of the Ordway Center For The Performing Arts for a sound level variance in order to allow amplified live band music between 5:30 p.m. and 10:30 p.m. on June 14, 21, & 28, July 12, 19, & 26, and August 2 & 9, 2012 in Landmark Plaza.

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, the Ordway Center For The Performing Arts, represented by Julia Erickson, Assistant Production Manager, who has been designated as the responsible person on the application, has applied for a variance to allow amplified live band music in Landmark Plaza, on Market Street between 5<sup>th</sup> Street W. and 6<sup>th</sup> Street W; and

WHEREAS, applicant is seeking a variance for the hours from 5:30 p.m. through 10:30 p.m. on June 14, 21, & 28, July 12, 19, & 26, and August 2 & 9, 2012; and

WHEREAS, if applicant is not granted a variance it will not be able to present the amplified music in Landmark Plaza; 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 Ordway Center For The Performing Arts, subject to the following conditions:

- 1) The variance shall be for the hours from 5:30 p.m. through 10:30 p.m. on June 14, 21, & 28, July 12, 19, & 26, and August 2 & 9, 2012 in Landmark Plaza.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 85 dBA, as measured at 50 feet from the noise source between 5:30 p.m. through 10:00 p.m. and 75 dBA, as measured at 50 feet from the noise source between 10:00 p.m. through 10:30 p.m.
- 3) The applicant shall provide personnel and equipment who shall provide continuous sound level monitoring at the stage and 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 10:30 p.m. on each of the event dates.

FURTHER RESOLVED, that any violations of the conditions set forth above on any of the dates may result in revocation of the grant of a variance for the subsequent date(s), in addition to any criminal citation which might issue.

The Ordway Center For The Performing Arts, represented by Julia Erickson, Assistant Production Manager, has requested an exemption from the sound level limitations in Chapter 293.07 in order to allow amplified live band music, with limitations, in Landmark Plaza on Market Street between 5<sup>th</sup> Street W. and 6<sup>th</sup> Street W., between 5:30 p.m. and 10:30 p.m. on June 14, 21, & 28, July 12, 19, & 26, and August 2 & 9, 2012. 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