



Legislation Details (With Text)

**File #:** RES PH 19- 148      **Version:** 1

**Type:** Resolution-Public Hearing      **Status:** Passed

**In control:** City Council

**Final action:** 5/22/2019

**Title:** Approving the application of Flint Hills Family Festival for a sound level variance to present live music at 4th & Washington Streets and at Landmark Plaza from May 28 through June 1, 2019.

**Sponsors:** Rebecca Noecker

**Indexes:** Ward - 2

**Code sections:**

**Attachments:** 1. Application, 2. ENS, 3. Map, 4. Notice to Owners, 5. Owners List, 6. Letter to Applicant

Date	Ver.	Action By	Action	Result
5/28/2019	1	Mayor's Office	Signed	
5/22/2019	1	City Council	Adopted	Pass

Approving the application of Flint Hills Family Festival for a sound level variance to present live music at 4<sup>th</sup> & Washington Streets and at Landmark Plaza from May 28 through June 1, 2019.

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, represented by Julia Erickson, Associate Production Manager, who has been designated as the responsible person on the application, has applied for a variance with a requested sound level limit of 90-110 decibels (dBA) at no specified distance, to present live music for the Flint Hills Family Festival at 4<sup>th</sup> Street and Washington and at Landmark Plaza with a sound system from 9:30 a.m. to 1:30 p.m. on May 28 through May 31 for children’s sessions, with a pre-event sound check at 9:00 a.m.; additionally, 4:00 p.m. to 9:00 p.m. on May 31 with a pre-event sound check at 3:00 p.m.; and 10:00 a.m. to 9:00 p.m. on June 1, 2019 with a pre-event sound check at 9:00 a.m.; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present live music with a sound system at 4<sup>th</sup> Street and Washington and at 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 sound level variance to the Ordway, subject to the following conditions:

1. The Variance will be for the Flint Hills Family Festival for live music at 4<sup>th</sup> & Washington Streets and Landmark Plaza from 9:30 a.m. to 1:30 p.m. on May 28 through May 31, with a pre-event sound check at 9:00 a.m.; additionally, from 4:00 p.m. to 9:00 p.m. on May 31 with a pre-event sound check at 3:00 p.m.;

and from 10:00 a.m. to 9:00 p.m. on June 1, 2019 with a pre-event sound check at 9:00 a.m. All electronically powered equipment, PA system, loudspeaker or any similar device used in conjunction with the event, will not exceed 90 dBA, as measured 50 feet from any stage or sound source used for music and/or announcements.

2. The applicant shall provide personnel and equipment to ensure compliance with the variance conditions.
3. All electronically powered equipment, PA systems, loudspeakers or similar devices will be turned off by 1:30 p.m. May 28 through May 31, for school sessions; 9:00 p.m. on May 31, and 9:00 p.m. on June 1, 2019.

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, represented by Julia Erickson, Associate Production Manager, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present live bands for the Flint Hills Family Festival, from May 28 through May 31 from 9:30 a.m. to 1:30 p.m. for children sessions; May 31 from 4:00 p.m. to 9:00 p.m. and June 1, 2019, from 10:00 a.m. to 9:00 p.m., with a pre-event sound check at 9:00 a.m. May 28 through May 31 and June 1, and pre-event sound check at 3:00 p.m. May 31, 2019. 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