



## Legislation Text

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**File #:** RES PH 17-94, **Version:** 1

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Approving the application of the Ordway Center for a sound level variance in order to present live bands for the Flint Hills International Children's Festival Event at Rice Park and Landmark Plaza from May 30 through June 4, 2017.

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, Assistant 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 bands for a Flint Hills International Children's Festival Event at Rice Park with a sound system from 9:30 a.m. to 2:00 p.m. on May 30 through June 2, 2017, and on June 3 and 4, 2017, from 10:00 a.m. to 5:00 p.m., 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 bands with a sound system at Rice Park and 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 Ordway Flint Hills International Children's Festival Event for live bands at Rice Park and Landmark Plaza from 9:30 a.m. to 2:00 p.m. on May 30 through June 2, 2017, and on June 3 and 4, 2017, from 10:00 a.m. to 5:00 p.m., 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 2:00 p.m. May 30 through June 2, 2017 and by 5:00 p.m. June 3 and 4, 2017.

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, Assistant Production Manager, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present live bands for the International Children's

Festival Event, from May 30 through June 2, 2017, from 9:30 a.m. to 2:00 p.m., and June 3 and 4, 2017, from 10:00 a.m. to 5:00 p.m., with a pre-event sound check at 9:00 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