



Legislation Details (With Text)

File #: RES PH 15- 125 **Version:** 1

Type: Resolution-Public Hearing **Status:** Passed
In control: City Council
Final action: 5/20/2015

Title: Approving the Ordway Center's request for a sound level variance in order to present live bands for a Flint Hills International Children's Festival Event at Rice Park from May 26, 2015 through May 31, 2015 from 10:00 a.m. to 5:00 p.m., with a pre-event sound check at 9:30 a.m. on May 30, 2015 and May 31, 2015.

Sponsors: Dave Thune

Indexes: Ward - 2

Code sections:

Attachments: 1. Application, 2. Copy of ENS, 3. Map, 4. Notice to District Council, 5. Notice to Property Owners, 6. List of Property Owners, 7. Letter to Applicant

Date	Ver.	Action By	Action	Result
5/26/2015	1	Mayor's Office	Signed	
5/20/2015	1	City Council	Adopted	Pass

Approving the Ordway Center's request for a sound level variance in order to present live bands for a Flint Hills International Children's Festival Event at Rice Park from May 26, 2015 through May 31, 2015 from 10:00 a.m. to 5:00 p.m., with a pre-event sound check at 9:30 a.m. on May 30, 2015 and May 31, 2015.

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 for 90 dBA to 100 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 May 26, 2015 through May 31, 2015, with a pre-event sound check at 9:30 a.m. on May 30, 2015 and May 31, 2015; and

WHEREAS, if applicant is not granted a variance it will not be able to present live bands with a sound system at the Rice Park Event site; 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 from May 26, 2015 through May 31, 2015, from 10:00 a.m. to 5:00 p.m., with a pre-event sound check at 9:30 a.m. on May 30, 2015 and May 31, 2015. 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 between the hours of 10:0 a.m. and 5:00 p.m.

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 5:00 p.m. on 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, 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 10:00 a.m. to 5:00 p.m., with a pre-event sound check at 9:30 a.m. on May 30, 2015 and May 31, 2015. 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