



Legislation Text

File #: RES PH 14-116, **Version:** 1

Approving the application of the Ordway Center for the Performing Arts for a sound level variance in order to allow for amplified sound and live music during the Flint Hills Children's Festival to be held at Rice Park between 10:00 a.m. and 5:00 p.m., Tuesday, May 27, 2014 through Sunday, June 1, 2014.

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, represented by Julia Erickson, Associate Production Manager, who has been designated as the responsible person on the application, has applied for a variance to allow amplified sound and live music at Rice Park; and

WHEREAS, applicant is seeking a variance for the hours between 10:00 a.m. and 5:00 p.m. for six (6) days starting on Tuesday, May 27, 2014 through Sunday, June 1, 2014; and

WHEREAS, if applicant is not granted a variance it will not be able to present the amplified sound and live music in Rice Park; 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, subject to the following conditions:

- 1) The variance will be for the Ordway Center Flint Hills Children's Festival to be held in Rice Park, for the hours of 10:00 a.m. and 5:00 p.m. for six (6) days starting on Tuesday, May 27, 2014 through Sunday, June 1, 2014.
- 2) All electronically powered equipment, PA systems, loudspeakers, musical instruments or similar noise producing devices used in conjunction with the event must not exceed 85 dBA, as measured at 50 feet from any stage or sound source.
- 3) The applicant will provide personnel and equipment to ensure compliance with the sound level variance conditions.
- 4) All electronically powered equipment, PA systems, loudspeakers musical instruments or similar noise producing devices must be turned off no later than 5:00 p.m. on each of the event dates.

FURTHER RESOLVED, that any violation of the conditions set forth above, on any of the dates indicated, may result in revocation of this variance, in addition to any criminal citation which might issue.

The Ordway Center, represented by Julia Erickson, Associate Production Manager, has requested an exemption from the sound level limitations in Chapter 293.07 in order to allow amplified sound and live music, with limitations, in Rice Park, between 10:00 a.m. and 5:00 p.m. for six (6) days starting on Tuesday, May 27, 2014 through Sunday, June 1, 2014. 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