



## Legislation Text

---

**File #:** RES PH 23-101, **Version:** 1

---

Approving the application of Ordway Center for a sound level variance in order to present amplified sound on May 30 - June 3, 2023 at Rice Park - 345 Washington St. (Washington St. & 4th St.) and June 3, 2023 at 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, Ordway Center, represented by Julia Erickson, Director of Production, who has been designated as the responsible person on the application, has applied for a variance, for 110 dBA at no specified distance, to present amplified sound for the Flint Hills Family Festival at Rice Park - 345 Washington St. (Washington St. & 4th St.) and at Landmark Plaza- 75 5<sup>th</sup> St W on June 3, 2023.; and

WHEREAS, applicant has requested a variance for the hours of 10:00 a.m. to 1:00 p.m. on Tuesday - Friday, May 30 - June 2, with a pre-event sound check from 9:00 a.m. to 10:00 a.m. for the Festival School Days, 6:00 p.m. to 10:00 p.m., with a pre-event sound check from 5:00 p.m. until 6:00 p.m. on Friday, June 2, and 9:00 a.m. to 4:00 p.m., with a pre-event sound check from 8:00 a.m. to 9:00 a.m. on Saturday, June 3, 2023 for the Flint Hills Family Festival; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified sound at Rice Park - 345 Washington St. (Washington St. & 4th St.) 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 variance to Ordway Center, subject to the following conditions:

- 1) The Variance shall be for the hours of 10:00 a.m. to 1:00 p.m. on Tuesday - Friday, May 30 - June 2, with a pre-event sound check from 9:00 a.m. to 10:00 a.m. for the Festival School Days, 6:00 p.m. to 10:00 p.m., with a pre-event sound check from 5:00 p.m. to 6:00 p.m. on Friday, June 2, and 9:00 a.m. to 4:00 p.m., with a pre-event sound check from 8:00 a.m. to 9:00 a.m. on Saturday, June 3, 2023 for the Flint Hills Family Festival.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 90 dBA at 50 feet from all sound sources
- 3) The applicant shall provide personnel and equipment who shall provide continuous sound level monitoring at 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 1:00 p.m. on Tuesday - Friday, May 30 - June 2, for the Festival School Days; no later than 10:00 p.m. on Friday, June 2, and no later than 4:00 p.m. on Saturday, June 3, 2023, the event dates.

FURTHER RESOLVED, that any violations of the conditions set forth above on the May 30 - June 3, 2023 dates may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Ordway Center, represented by Director of Productions, Julia Erickson, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified sound, with limitations, from 10:00 a.m. to 1:00 p.m. on Tuesday - Friday, May 30 - June 2, for the Festival School Days, 6:00 p.m. to 10:00 p.m. Friday, June 2, and 9:00 a.m. to 4:00 p.m. on Saturday, June 3, 2023. 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