

1 **RESOLUTION NO. 7981**

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3 A RESOLUTION introduced by Councilmember Jack Woelfel, granting Shannen
4 Rodriguez an exception to the provisions of City of Topeka
5 Code Section 54-148 concerning noise prohibitions.
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7 WHEREAS, City of Topeka Code Section 54-148 makes it unlawful for
8 any person to make, continue or cause to made or continued any loud,
9 unnecessary or unusual noise or any noise which either annoys, disturbs, injures
10 or endangers the comfort, repose, health or safety or others within the limits of
11 the city; and

12 WHEREAS, City of Topeka Code Section 54-148 authorizes the City
13 Council to grant exceptions to the prohibitions of this code section upon request
14 and a showing that the proposed activity does not offend the spirit of the findings
15 of City of Topeka Code Section 54-146; and

16 WHEREAS, Shannen Rodriguez has requested that he be granted an
17 exception to the provisions of City of Topeka Code Section 54-148 for the
18 purposes, dates and times described herein, and

19 WHEREAS, upon review of the application of Shannen Rodriguez, the
20 Council of the City of Topeka does hereby find that the requested activity does
21 not offend the spirit of the findings of City of Topeka Code Section 54-146.

22 NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
23 Topeka that, except as otherwise provided herein, Shannen Rodriguez is hereby
24 granted an exception from the provisions of City of Topeka Code Section 54-148

25 for amplified music located at 2430 SE Minnesota Avenue from 5:00 p.m. to 9:00
26 p.m. on August 18, 2007.

27 BE IT FURTHER RESOLVED that this exception shall be voided and of
28 no effect if a documented complaint about excessive noise is received by the
29 Topeka Police Department, the complaint is communicated to Shannen
30 Rodriguez by the Topeka Police Department, and Shannen Rodriguez fails to
31 lower the noise to a level that is compliant with City of Topeka noise restrictions
32 and prohibitions as provided by City of Topeka Code Section 54-146 et seq.

33 ADOPTED and APPROVED by the City Council August 7, 2007.

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William W. Bunten, Mayor

Brenda Younger, City Clerk