

RESOLUTION NO. 8383

A RESOLUTION introduced by Councilmember John Alcala granting Bill's Diner an exception to the provisions of City of Topeka Code Section 9.45.150. et seq. concerning noise prohibitions.

WHEREAS, City of Topeka Code Section 9.45.150, et seq. makes it unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health or safety or others within the limits of the city; and

WHEREAS, City of Topeka Code Section 9.45.170, et seq. authorizes the City Council to grant exceptions to the prohibitions of this code section upon request and a showing that the proposed activity does not offend the spirit of the findings of City of Topeka Code Section 9.45.150, et seq., and

WHEREAS, Bill's Diner has requested that it be granted an exception to the provisions of City of Topeka Code Section 9.45.150, et seq. for the purposes, dates and times described herein, and

WHEREAS, upon review of the application of Bill's Diner , the Council of the City of Topeka does hereby find that the requested activity does not offend the spirit of the findings of City of Topeka Code Section 9.45.150, et seq.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Topeka that Bill's Diner is hereby granted an exception from the provisions of City of Topeka Code Section 9.45.150, et seq. for a live band and amplified

25 music and sound during its Outdoor BBQ event located at 2134 N. Kansas
26 Avenue during the hours of 7:00p.m. and 11:59p.m. on October 8, 2011.

27 ADOPTED and APPROVED by the City Council September 27, 2011.

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William W. Bunten, Mayor

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Brenda Younger, City Clerk