

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON GRANTING A NOISE EXCEPTION FOR THE NIGHTMARE ON ELM STREET BASKETBALL TIP-OFF EVENT WHICH WILL BE HELD ON WEDNESDAY, OCTOBER 22, 2025, AT ELM STREET BETWEEN HICKORY STREET AND OAK STREET; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 17-20 of the Code of Ordinances of the City of Denton, the City Council may make exceptions upon application for sound levels or hours of operation when the public interest will be served thereby; and

WHEREAS, The University of North Texas has made an application to the City Council for an exception to Section 17-20 of the Code of Ordinances regarding sound levels and hours of operation, in connection with the Nightmare on Elm Street Basketball Tip-off event, which will be held on Wednesday, October 22, 2025, from 5:00 p.m. to 8:00 p.m., at Elm Street between Hickory Street and Oak Street in Denton, Texas; and

WHEREAS, upon prior application and approval by the City Council of the City of Denton, The University of North Texas has consistently demonstrated an ability to responsibly operate the Nightmare on Elm Street Basketball Tip-off event, at amplified sound levels restricted in Section 17-20 of the Code of Ordinances of the City of Denton, within the public interest, and without materially disturbing persons of ordinary sensibilities in the immediate vicinity thereof; and

WHEREAS, the City Council of the City of Denton, finds that granting a noise exception for this event, subject to the restrictions contained herein, would serve the public interest; NOW THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. Pursuant to Section 17-20 of the Code of Ordinances, the Nightmare on Elm Street Basketball Tip-off is granted an exception to said section's amplified sound prohibition subject to the following restrictions:

1. This exception to the limitations imposed by Section 17-20 of the Code of Ordinances of the City of Denton, is granted only in connection with the operation of the Nightmare on Elm Street Basketball Tip-off event at Elm Street between Hickory and Oak Street in Denton, Texas, on Wednesday, October 22, 2025, from 5:00 p.m. to 8:00 p.m.
2. The University of North Texas agrees to take full responsibility for ensuring that the conditions of this exception are met and to take all reasonable measures necessary to avoid disturbing persons of ordinary sensibilities in the immediate vicinity of the event.
3. The University of North Texas agrees to cease using amplified loudspeakers on Wednesday, October 22, 2025, at 8:00 p.m.
4. Under no circumstances shall The University of North Texas employ the use of amplified loudspeakers past 8:00 p.m. on Wednesday, October 22, 2025.

5. Under no circumstances shall The University of North Texas. employ the use of amplified loudspeakers that exceeds 70 dba for an outdoor event when measured from the perimeter of the source as measured by an approved measuring instrument.
6. This Ordinance confers no personal or property rights, and may be amended, modified, suspended, or revoked in whole or in part at the will of the City Council of the City of Denton, without any warning, hearing, or compensation, for any reason at all, or for no reason.
7. This Ordinance shall be strictly construed as an exception granted pursuant to Section 17-20 of the Code of Ordinances of the City of Denton. The City of Denton expressly reserves unto itself and all other persons any and all legal remedies, both civil and criminal, relating to excessive noise in connection with this annual event, and hereby disclaims any promissory, or equitable estoppel which might in any way impede the pursuit of such remedies by any person.

SECTION 2. This Ordinance shall be effective immediately upon its passage and approval and shall expire upon the completion of the Nightmare on Elm Street Basketball Tip-off on Wednesday, October 22, 2024 at 8:00 p.m., unless sooner repealed, modified, or rescinded.

The motion to approve this Ordinance was made by _____ and seconded by _____. This Ordinance was passed and approved by the following vote [____ - ____]:

	Aye	Nay	Abstain	Absent
Mayor Gerard Hudspeth:	_____	_____	_____	_____
Vicki Byrd, District 1:	_____	_____	_____	_____
Brian Beck, District 2:	_____	_____	_____	_____
Suzi Rumohr, District 3:	_____	_____	_____	_____
Joe Holland, District 4:	_____	_____	_____	_____
Brandon Chase McGee, At Large Place 5:	_____	_____	_____	_____
Jill Jester, At Large Place 6:	_____	_____	_____	_____

PASSED AND APPROVED this the _____ day of _____, 2025.

GERARD HUDSPETH, MAYOR

ATTEST:
INGRID REX, INTERIM CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
MACK REINWAND, CITY ATTORNEY

A handwritten signature in blue ink, appearing to read "Amanda Brown", is centered within a light gray rectangular box.

BY: _____