

ORDINANCE NO. 21-1756

AN ORDINANCE OF THE CITY OF DENTON GRANTING CHECKERED FLAG PROMOTIONS A NOISE EXCEPTION PURSUANT TO SECTION 17-20 OF THE CITY OF DENTON CODE OF ORDINANCES, WITH RESPECT TO SOUND LEVELS FOR THE NO LIMITS MONSTER TRUCK SHOW, WHICH WILL BE HELD ON SATURDAY, OCTOBER 16, 2021 FROM 1:00 P.M. TO 3:00 P.M., AND 7:00 P.M. TO 9:45 P.M., AT THE NORTH TEXAS FAIR GROUNDS; GRANTING AN INCREASE IN SOUND LEVELS ON SAID DATES FOR SATURDAY FROM 1:00 P.M. TO 3:00 P.M., AND 7:00 P.M. TO 9:45 P.M., WITH SOUND NOT TO EXCEED 70 DECIBELS; 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, Checkered Flag Promotions has made an application to the City Council for an exception to the provision of Section 17-20 of the Code of Ordinances regarding sound levels, in connection with No Limits Monster Truck Show held at the North Texas Fair Grounds, with said request being for Saturday, October 16, 2021; and

WHEREAS, upon prior application and approval by the City Council of the City of Denton, Checkered Flag Promotions has consistently demonstrated an ability to responsibly operate the No Limits Monster Truck Show at the North Texas Fair Grounds, at amplified sound levels restricted in Section 17-20 of the Code of Ordinances of the City of Denton, Texas, within the public interest, and without materially disturbing persons of ordinary sensibilities in the immediate vicinity thereof; and

WHEREAS, based upon past history, 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, Checkered Flag Promotions is hereby granted an exception to the 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 No Limits Monster Truck Show at the North Texas Fair Grounds for Saturday, October 16, 2021.
2. Checkered Flag Promotions agrees to take full responsibility for ensuring 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. Checkered Flag Promotions agrees to cease using amplified loudspeakers on Saturday, October 16, 2021 at 9:45 p.m.
4. Under no circumstances shall the Checkered Flag Promotions employ the use of amplified loudspeakers past 9:45 p.m. on Saturday, October 16, 2021.

5. Under no circumstances shall the Checkered Flag Promotions 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 advance 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 No Limits Monster Truck Show on Saturday, October 16, 2021, unless sooner repealed, modified, or rescinded.

The motion to approve this Ordinance was made by Brian Beck and seconded by Alison Maguire. This Ordinance was passed and approved by the following vote [7 - 0]:

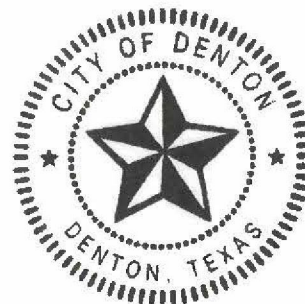
	Aye	Nay	Abstain	Absent
Mayor Gerard Hudspeth:	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Viki Byrd, District 1:	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Brian Beck, District 2:	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Jesse L. Davis, District 3:	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Alison Maguire, District 4:	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Deb Armintor, At Large Place 5:	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Paul Meltzer, At Large Place 6:	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>

PASSED AND APPROVED this the 21st day of September, 2021.


GERARD HUDSPETH, MAYOR

ATTEST:
ROSA RIOS, CITY SECRETARY

BY: 



APPROVED AS TO LEGAL FORM:
CATHERINE CLIFTON, INTERIM CITY ATTORNEY



BY: _____