

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF DENTON GRANTING THE DENTON BLACK CHAMBER OF COMMERCE A THREE-YEAR NOISE EXCEPTION PURSUANT TO SECTION 17-20 OF THE CITY OF DENTON CODE OF ORDINANCES FOR THE DENTON BLUES FESTIVAL, WHICH WILL BE HELD ON SEPTEMBER 16-18, 2022, SEPTEMBER 15-17, 2023, AND SEPTEMBER 20-22, 2024, AT QUAKERTOWN PARK; GRANTING AN EXCEPTION FOR SOUND LEVELS AND A VARIANCE IN THE HOURS OF OPERATION ON SAID DATES; 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 Denton Black Chamber of Commerce 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 and hours of operation, in connection with Blues Festival annual event held at Quakertown Park, with said request being for the following dates: September 16-18, 2022, September 15-17, 2023, and September 20-22, 2024; and

WHEREAS, upon prior application and approval by the City Council of the City of Denton, the Denton Black Chamber of Commerce has consistently demonstrated an ability to responsibly operate the Denton Blues Festival at Quakertown Park, 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, Denton Black Chamber of Commerce is hereby 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 Denton Blues Festival at Quakertown Park for the following dates: September 16-18, 2022, September 15-17, 2023, and September 20-22, 2024.
2. Denton Black Chamber of Commerce 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. Denton Black Chamber of Commerce agrees to cease using amplified loudspeakers on Friday at 8:00 p.m., Saturday at 11:00 p.m., and Sunday at 9:00 p.m.

4. Under no circumstances shall the Denton Black Chamber of Commerce employ the use of amplified loudspeakers past 8:00 p.m. on Friday, 11:00 p.m. on Saturday, and 9:00 p.m. on Sunday.
5. Under no circumstances shall The Denton Black Chamber of Commerce 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 correction 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 Denton Blues Festival on Sunday, September 22, 2024, 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 [\_\_\_ - \_\_\_]:

|  | <b>Aye</b> | <b>Nay</b> | <b>Abstain</b> | <b>Absent</b> |
|--|------------|------------|----------------|---------------|
| Mayor Gerard Hudspeth:                 | _____      | _____      | _____          | _____         |
| Vicki Byrd, District 1:                | _____      | _____      | _____          | _____         |
| Brian Beck, District 2:                | _____      | _____      | _____          | _____         |
| Jesse Davis, District 3:               | _____      | _____      | _____          | _____         |
| Alison Maguire, District 4:            | _____      | _____      | _____          | _____         |
| Brandon Chase McGee, At Large Place 5: | _____      | _____      | _____          | _____         |
| Chris Watts, At Large Place 6:         | _____      | _____      | _____          | _____         |

PASSED AND APPROVED this the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
GERARD HUDSPETH, MAYOR

ATTEST:  
ROSA RIOS, CITY SECRETARY

BY: \_\_\_\_\_

APPROVED AS TO LEGAL FORM:  
MACK REINWAND, CITY ATTORNEY

A handwritten signature in blue ink, appearing to read "Mack Reinwand". The signature is stylized with a large initial "M" and a long horizontal stroke extending to the right.

BY: \_\_\_\_\_