

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON GRANTING DENTON CINCO DE MAYO, A THREE-YEAR NOISE EXCEPTION FOR THE CINCO DE MAYO CELEBRATIONS ON FRIDAY, MAY 3, 2024, THROUGH SUNDAY, MAY 5, 2024, FRIDAY, MAY 2, 2025, THROUGH SUNDAY, MAY 4, 2025, AND FRIDAY, MAY 1, 2026, THROUGH SUNDAY, MAY 3, 2026; 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 Cinco de Mayo Committee 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 the Cinco de Mayo Celebrations held at the North Texas Fairgrounds, with said request being for the following dates: Friday, May 3, 2024, through Sunday, May 5, 2024, Friday, May 2, 2025, through Sunday, May 4, 2025, and Friday, May 1, 2026, through Sunday, May 3, 2026; and

WHEREAS, upon prior application and approval by the City Council of the City of Denton, the Cinco de Mayo Committee. has consistently demonstrated an ability to responsibly operate the Cinco de Mayo Celebration at North Texas Fairgrounds, 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, the Cinco de Mayo Committee 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 Cinco de Mayo Celebrations at North Texas Fairgrounds for the following dates: Friday, May 3, 2024, through Sunday, May 5, 2024, Friday, May 2, 2025, through Sunday, May 4, 2025, and Friday, May 1, 2026, through Sunday, May 3, 2026.
2. Cinco de Mayo Committee 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. Cinco de Mayo Committee agrees to cease using amplified loudspeakers on Sunday, May 5, 2024, Sunday, May 4, 2025, and Sunday, May 3, 2026, at 11:00 p.m.
4. Under no circumstances shall the Cinco de Mayo Committee. employ the use of amplified loudspeakers past 11:00 p.m. on Sunday, May 5, 2024, Sunday, May 4, 2025, and Sunday,

May 3, 2026

5. Under no circumstances shall the Cinco de Mayo Committee employ the use of amplified loudspeakers that exceeds 75 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.
8. This Ordinance repeals and replaces Ordinance 23-709, which previously established a three-year noise ordinance variance for the Cinco de Mayo Celebration.

SECTION 2. This Ordinance shall be effective immediately upon its passage and approval and shall expire upon the completion of the Cinco de Mayo Celebration on Sunday, May 5, 2024, Sunday, May 4, 2025, and Sunday, May 3, 2026, 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:	_____	_____	_____	_____
Paul Meltzer, District 3:	_____	_____	_____	_____
Joe Holland, District 4:	_____	_____	_____	_____
Brandon Chase McGee, At Large Place 5:	_____	_____	_____	_____
Chris Watts, At Large Place 6:	_____	_____	_____	_____

PASSED AND APPROVED this the _____ day of _____, 2024.

GERARD HUDSPETH, MAYOR

ATTEST:
LAUREN THODEN, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
MACK REINWAND CITY ATTORNEY

A handwritten signature in blue ink, appearing to read "Amanda Brown", is written over the printed name of the City Attorney.

BY: _____