

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON GRANTING THE DENTON FESTIVAL FOUNDATION INC., A THREE-YEAR NOISE EXCEPTION PURSUANT TO SECTION 17-20 OF THE CITY OF DENTON CODE OF ORDINANCES FOR THE DENTON ARTS AND JAZZ FESTIVAL, WHICH WILL BE HELD ON OCTOBER 7-9, 2022, OCTOBER 6-8, 2023, AND OCTOBER 4-6, 2024, FRIDAY AND SATURDAY FROM 10:00 P.M. TO MIDNIGHT AND SUNDAY FROM 11:00 A.M. TO 11:00 P.M. AT QUAKERTOWN PARK IN DENTON, TEXAS; GRANTING AN EXCEPTION FOR SOUND LEVELS EXCEEDING SEVENTY (70) DECIBELS AND A VARIANCE IN THE HOURS OF OPERATION ON SAID DATE; 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 Festival Foundation 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 Denton Arts and Jazz Festival to be held at Quakertown Park in Denton, Texas, on October 7-9, 2022, October 6-8, 2023, and October 4-6, 2024; and

WHEREAS, upon prior application and approval by the City Council of the City of Denton, The Denton Festival Foundation has consistently demonstrated an ability to responsibly operate the Denton Arts and Jazz Festival at Quakertown Park, 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, 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 Denton Festival Foundation 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 Arts and Jazz Festival at Quakertown Park in Denton, Texas, on October 7-9, 2022, October 6-8, 2023, and October 4-6, 2024.
2. The Denton Festival Foundation 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 Denton Festival Foundation agrees to cease using amplified loudspeakers on Friday and Saturday at midnight and Sunday at 11:00 p.m.
4. Under no circumstances shall the Denton Festival Foundation employ the use of amplified loudspeakers past midnight on Friday and Saturday 11:00 p.m. on Sunday.
5. Under no circumstances shall the Denton Festival Foundation 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 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 Denton Arts and Jazz Festival on Sunday, October 6, 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 [___ - ___]:

	Aye	Nay	Abstain	Absent
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 "Amanda Rios", is centered within a light gray rectangular box.

BY: _____