

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

AN ORDINANCE OF THE CITY OF DENTON GRANTING THE TW RESTAURANT HOLDER, LLC DBA HOOTERS OF DENTON, A NOISE EXCEPTION FOR THE HOOTERS FALL FESTIVAL CHILI COOK-OFF ON SATURDAY, NOVEMBER 19, 2022, FROM 2 P.M. TO 10 P.M., AT 985 S INTERSTATE 35; 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 TW Restaurant Holder, LLC dba Hooters of Denton 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 Hooters Fall Festival Chili Cook-Off, which will be held on Saturday, November 19, 2022, from 2 p.m. to 10 p.m., at 985 S Interstate 35 in Denton, Texas; and

WHEREAS, upon prior application and approval by the City Council of the City of Denton, the TW Restaurant Holder, LLC dba Hooters of Denton has previously demonstrated an ability to responsibly operate events at Hooters Restaurant, 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 TW Restaurant Holder, LLC dba 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 Hooters Fall Festival - Chili Cookoff at 985 S Interstate 35 in Denton, Texas, on Saturday, November 19, 2022, from 2 p.m. to 10 p.m.
2. The TW Restaurant Holder, LLC dba Hooters of Denton 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 TW Restaurant Holder, LLC dba Hooters of Denton agrees to cease using amplified loudspeakers on Saturday, November 19, 2022, at 10:00 p.m.
4. Under no circumstances shall the TW Restaurant Holder, LLC dba Hooters of Denton

employ the use of amplified loudspeakers past 10 p.m. on Saturday, November 19, 2022.

5. Under no circumstances shall the TW Restaurant Holder, LLC dba Hooters of Denton 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 Hooters Fall Festival Chili Cook-Off on Saturday, November 19, 2022, at 10:00 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 [\_\_\_ - \_\_\_]:

	<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 "Amanda Brown", is written over a light blue rectangular background.

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