

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON GRANTING THE DENTON HOLIDAY LIGHTING FESTIVAL ASSOCIATION, A NOISE EXCEPTION FOR THE DENTON HOLIDAY LIGHTING ON FRIDAY, DECEMBER 2, 2022, FROM 6 P.M. TO 9 P.M., AT THE DOWNTOWN SQUARE AND SURROUNDING STREETS; 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 Holiday Lighting Festival Association 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 Holiday Lighting, which will be held on Friday, December 2, 2022, from 6 p.m. to 9 p.m., at the Downtown Square in Denton, Texas; and

WHEREAS, the Denton Holiday Lighting Festival serves to provide a free family-friendly community event to kick-off the City's holiday shopping season with the support of local merchants and the Denton Main Street Association; 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 Denton Holiday Lighting Festival Association 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 Holiday Lighting at the Downtown Square in Denton, Texas, on Friday, December 2, 2022, from 6 p.m. to 9 p.m.
2. The Denton Holiday Lighting Festival Association 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 Holiday Lighting Festival Association agrees to cease using amplified loudspeakers on Friday, December 2, 2022, at 9:00 p.m.
4. Under no circumstances shall the Denton Holiday Lighting Festival Association employ the use of amplified loudspeakers past 9 p.m. on Friday, December 2, 2022.

5. Under no circumstances shall the Denton Holiday Lighting Festival Association 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 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 Holiday Lighting Festival on Friday, December 2, 2022, at 9:00 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 [___ - ___]:

	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 "Mack Reinwand", is enclosed in a rectangular box.

BY: _____