

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON GRANTING ALL AMERICAN ENTERTAINMENT A NOISE EXCEPTION FOR THE MONSTER TRUCK SHOWS ON FRIDAY, JUNE 2, FROM 5 P.M. TO 9 P.M., SATURDAY, JUNE 3, FROM 12 P.M. TO 9 P.M., AND SUNDAY, JUNE 4, 2023, FROM 12 P.M. TO 4 P.M., AT THE NORTH TEXAS FAIR GROUNDS - 2217 N. CARROLL BOULEVARD; 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, All American Entertainment 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 Monster Truck Shows held at the North Texas Fair Grounds – 2217 N. Carroll Boulevard, with said request being for the following dates: Friday, June 2, from 5 p.m. to 9 p.m., Saturday, June 3, from 12 p.m. to 9 p.m., and Sunday, June 4, 2023, from 12 p.m. to 4 p.m.; 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, All American Entertainment 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 Monster Truck Shows at the North Texas Fair Grounds – 2217 N. Carroll Boulevard for the following dates: Friday, June 2, from 5 p.m. to 9 p.m., Saturday, June 3, from 12 p.m. to 9 p.m., and Sunday, June 4, 2023, from 12 p.m. to 4 p.m.
2. All American Entertainment agrees to take full responsibility for ensuring 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. All American Entertainment agrees to cease amplified sound on Friday, June 2, at 9 p.m., Saturday, June 3 at 9 p.m., and Sunday, June 4 at 4 p.m.
4. Under no circumstances shall All American Entertainment employ amplified sound past 9 p.m. on Friday, June 2 and Saturday, June 3, and 4 p.m. on Sunday, June 4.
5. Under no circumstances shall All American Entertainment 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.

SECTION 2. This Ordinance shall be effective immediately upon its passage and approval and shall expire upon the completion of the Monster Truck Show on Sunday, June 4 at 4 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: | _____ | _____ | _____ | _____ |
| 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 _____, 2023.

GERARD HUDSPETH, MAYOR

ATTEST:
JESUS SALAZAR, INTERM 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 horizontal line.

BY: _____