

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON GRANTING A NOISE EXCEPTION FOR FRY STREET ENTERTAINMENT DISTRICT AND MERCHANTS ASSOCIATION'S FRY STREET FAIR EVENT WHICH WILL BE HELD ON SATURDAY, APRIL 27, 2024 AND SUNDAY, APRIL 28, 2024 AT 109 AVENUE A; 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, Fry Street Entertainment District and Merchants 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 Fry Street Entertainment District and Merchants Association's Fry Street Fair event, which will be held on Saturday, April 27, 2024 from 2:00 p.m. to 10:00 p.m., and Sunday, April 28, 2024, from 2:00 p.m. to 10:00 p.m. at Norman Roscoe in Denton, Texas; 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, Fry Street Entertainment District and Merchants Association's Fry Street Fair event is 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 Fry Street Fair event at 109 Avenue A in Denton, Texas, on Saturday, April 27, 2024, from 2:00 p.m. to 10:00 p.m., and Sunday, April 28, 2024, from 2:00 p.m. to 10:00 p.m.
2. Fry Street Entertainment District and Merchants 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. Fry Street Entertainment District and Merchants Association agrees to cease using amplified loudspeakers on Sunday, April 28, 2024 at 10:00 p.m.
4. Under no circumstances shall Fry Street Entertainment District and Merchants Association employ the use of amplified loudspeakers past 10:00 p.m. on Saturday, April 27, 2024 or past 10:00 p.m. on Sunday, April 28, 2024.
5. Under no circumstances shall Fry Street Entertainment District and Merchants Association employ the use of amplified loudspeakers that exceeds 70 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 Fry Street Entertainment District and Merchants Association's Fry Street Fair event, which will be held on Saturday, April 27, 2024, from 2:00 p.m. to 10:00 p.m., and Sunday, April 28, 2024, from 2:00 p.m. to 10:00 p.m.

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 Reinwand", is written over a horizontal line.

BY: _____