

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, GRANTING A THREE-YEAR EXCEPTION TO SECTION 17-20 OF THE CODE OF ORDINANCES OF THE CITY OF DENTON, TEXAS, WITH RESPECT TO SOUND LEVELS AND HOURS OF OPERATIONS FOR THE NORTH TEXAS STATE FAIR AND RODEO, HELD AT 2217 N. CARROLL BLVD, THAT BEGINS ON THE THIRD FRIDAY OF AUGUST AND ENDS ON THE FOURTH SUNDAY OF AUGUST; SPECIFICALLY, AUGUST 18-27, 2016, AUGUST 17-26, 2017, AND AUGUST 16-25, 2018. THE REQUEST IS TO EXTEND THE HOURS OF OPERATION FROM MONDAY THROUGH THURSDAY FROM 10:00 P.M. TILL MIDNIGHT; FRIDAY AND SATURDAY FROM 10:00 P.M. TILL 1 A.M.; AND GRANT EXTENDED HOURS OF OPERATION AND AN EXCEPTION TO THE NOISE ORDINANCE ON SUNDAY FROM 11 A.M. TO 11 P.M., NOT TO EXCEED 70 DECIBELS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, by Ordinance No. 2013-164, the City Council granted the North Texas State Fair Association a three-year exception from the requirements of Section 17-20 of the Code of Ordinances of the City of Denton, Texas ("Code") and that exception has expired; and

WHEREAS, by Ordinance No. 2013-164, the City Council amended the noise ordinance and exceptions where allowed as to sound levels and hours of operation when the public interest will be served thereby for outdoor music festivals; and

WHEREAS, the North Texas State Fair and Rodeo meets the definition of Outdoor Music Festival pursuant to Section 17-2 of the Code of Ordinances of the City of Denton, Texas; and

WHEREAS, North Texas State Fair Association has made application to the City Council for an exception to the provisions of Sections 17-20 of the Code regarding sound levels and time of use of amplified loudspeakers, in connection with the North Texas State Fair And Rodeo annual event held at 2217 North Carroll Boulevard, North Texas State Fairgrounds in Kimbrough Park, and in connection with said request, has requested the exception to be granted on an ongoing basis for said annual event at said location for ten days between the third Friday of August through the fourth Sunday of August 2016-2018; and

WHEREAS, upon prior application and approval by the City Council of the City of Denton, Texas, North Texas State Fair Association has consistently demonstrated over the past three years an ability to responsibly operate amplified loudspeakers in connection with the North Texas State Fair and Rodeo annual event held at 2217 North Carroll Boulevard, North Texas State Fairgrounds, at time past the hours defined and sound levels allowed by §17-20 of the Code, within the public interest and without materially disturbing persons of ordinary sensibilities in the immediate vicinity thereof; and

WHEREAS, based upon this past history, the City Council of the City of Denton, Texas finds that granting an exception for this annual event on an ongoing basis for a three-year period, 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 §17-20 of the Code of Ordinances, North Texas State Fair Association is hereby granted an exception to section 17-20 limitation, for a period of three years, upon the time periods and sound level for outdoor music festivals, subject to the conditions listed below:

1. This exception is granted only in connection with the operation of the North Texas State Fair and Rodeo annual event at 2217 North Carroll Boulevard, North Texas State Fairgrounds, for ten days between the third Friday of August through the fourth Sunday of August 2016-2018.
2. **North Texas State Fair 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. **North Texas State Fair Association** agrees to cease exceeding the sound levels of Section 17-20 at **12:00 midnight Monday through Thursday, 1:00 a.m. Friday and Saturday and 11:00 p.m. on Sunday.**
4. Under no circumstances shall the annual event permit sound levels to exceed the requirements of Section 17-20 of the Code between the hours of 1:00 a.m. and 7:00 a.m.
5. This ordinance confers no personal or property rights, and may be amended, modified, superseded or revoked in whole or in part at the will of the City Council of the City of Denton, Texas, without any advance warning, hearing or compensation, for any reason at all, or for no reason.
6. This ordinance shall be strictly construed as an exception granted pursuant to §17-20 of the Code of Ordinances of the City of Denton, Texas. The City of Denton, Texas expressly reserves unto itself and all other persons any and all legal remedies, civil or 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 become effective immediately upon its passage and approval, and expire three years hence, unless sooner repealed, modified or rescinded.

PASSED AND APPROVED this the _____ day of _____, 2016.

CHRIS WATTS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
ANITA BURGESS, CITY ATTORNEY

BY: 