

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

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, GRANTING THE SINGING OAKS CHURCH OF CHRIST, PURSUANT TO SECTION 17-20 OF THE CODE OF ORDINANCES, A NOISE EXCEPTION FOR SUNDAY, OCTOBER 29, 2017, GRANTING AMPLIFIED SOUND NOT TO EXCEED 65 DBA FROM NOON UNTIL 5 P.M.; AND SETTING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 17-20 of the Code of Ordinances of the City of Denton, Texas, the Singing Oaks Church of Christ ("Singing Oaks") has made application to the City Council for an exception to the provision restricting amplified sound on a Sunday, in connection with the Walk4Water event held at South Lakes Park, from the limitations imposed by Section 17-20 of the Code of Ordinances of the City of Denton, Texas, granting amplified sound on a Sunday, that being from noon to 5 p.m. on Sunday, October 29, 2017;

WHEREAS, upon approval by the City Council of the City of Denton, Texas, Singing Oaks agrees to demonstrate the ability to operate the Walk4Water event held at South Lakes Park, at the day restricted in Section 17-20 of the Code of Ordinances of the City of Denton, Texas, 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, Texas 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 Singing Oak Church of Christ is hereby granted an exception to said section's amplified sound prohibition on Sunday, 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, Texas, is granted only in connection with the operation of the Walk4Water event at the South Lakes Park.
2. Singing Oaks 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. Singing Oaks agrees to cease using amplified loudspeakers at 5 p.m. on Sunday, October 29, 2017.
4. Under no circumstances shall the event employ the use of amplified loudspeakers past 5 p.m. on Sunday, October 29, 2017.

5. Under no circumstances shall the event employ the use of amplified loudspeakers that exceed the dba of 65 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, 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.
7. 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, unless sooner repealed, modified, or rescinded.

PASSED AND APPROVED this the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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CHRIS WATTS, MAYOR

ATTEST:  
JENNIFER WALTERS, CITY SECRETARY

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

APPROVED AS TO LEGAL FORM:  
AARON LEAL, INTERIM CITY ATTORNEY

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