

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, GRANTING THE VILLAGE CHURCH DENTON, PURSUANT TO SECTION 17-20 OF THE CODE OF ORDINANCES, A NOISE EXCEPTION ON SUNDAY, APRIL 8, 2018, FROM 10 A.M. UNTIL 4 P.M. AT NORTH LAKES PARK; GRANTING A VARIANCE IN HOURS OF OPERATION FOR AMPLIFIED SOUND LEVELS FOR AN OUTDOOR EVENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 17-20 of the Code of Ordinances of the City of Denton, Texas, The Village Church Denton has made application to the City Council for an exception to the provision restricting sound levels for an outdoor event, in connection with the church service at North Lakes Park, from the limitations imposed by Section 17-20 of the Code of Ordinances of the City of Denton, Texas, granting a variance in hours of operation for amplified sound levels for an outdoor event from 10 a.m. to 4 p.m. on Sunday, April 8, 2018; and

WHEREAS, upon prior application and approval by the City Council of the City of Denton, Texas, The Village Church Denton has consistently demonstrated an ability to responsibly host this church service at North Lakes Park, on a 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, based upon this past history, 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 Village Church Denton 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, Texas, is granted only in connection with the church service hosted by The Village Church Denton church at North Lakes Park.
2. The Village Church Denton 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 Village Church Denton agrees to cease the church service at 4 p.m. on Sunday, April 8, 2018.

4. Under no circumstances shall The Village Church Denton employ the use of amplified sound past 4 p.m. on Sunday, April 8, 2018.
5. Under no circumstances shall The Village Church Denton employ the use of amplified loudspeakers on a Sunday that exceed 65 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, 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 Section 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 _____, 2018.

CHRIS WATTS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
AARON LEAL, CITY ATTORNEY

BY: _____

