

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

AN ORDINANCE OF THE CITY OF DENTON, TEXAS GRANTING THE THIN LINE FILM FESTIVAL, PURSUANT TO SECTION 17-20 OF THE CODE OF ORDINANCES, A NOISE EXCEPTION WEDNESDAY, APRIL 18, THROUGH SUNDAY, APRIL 22, 2018; GRANTING AN INCREASE IN SOUND LEVELS FOR AN OUTDOOR MUSIC FESTIVAL FROM 70 TO 75 DBA AND A VARIANCE IN HOURS OF OPERATION EACH DAY FROM NOON UNTIL 11 P.M. ON THE DENTON COUNTY COURTHOUSE LAWN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 17-20 of the Code of Ordinances of the City of Denton, Texas, the Thin Line Film Festival ("Festival") has made application to the City Council for an exception to the provision restricting sound levels and hours of operation for an outdoor music festival, in connection with the Festival held on the Denton County Courthouse lawn, from the limitations imposed by Section 17- 20 of the Code of Ordinances of the City of Denton, Texas, granting amplified sound levels from 70 to 75 decibels and a variance in hours of operations for an outdoor music festival each day from noon to 11 p.m., Wednesday, April 18 through Sunday, April 22, 2018; and

WHEREAS, upon prior application and approval by the City Council of the City of Denton, Texas, Thin Line Film Festival has consistently demonstrated an ability to responsibly operate the annual event held on the Denton County Courthouse lawn, at days 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 Thin Line Film Festival 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 operation of the Thin Line Film Festival annual event on the Denton County Courthouse lawn.
2. The Festival 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 Festival agrees to cease using amplified loudspeakers each day at 11 p.m., Wednesday, April 18 through Sunday, April 22, 2018.
4. Under no circumstances shall the Festival employ the use of amplified loudspeakers past 11 p.m., Wednesday, April 18 through Sunday, April 22, 2018.
5. Under no circumstances shall the Festival employ the use of amplified loudspeakers that exceed the requested increase of dba of 75 for an outdoor concert 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.

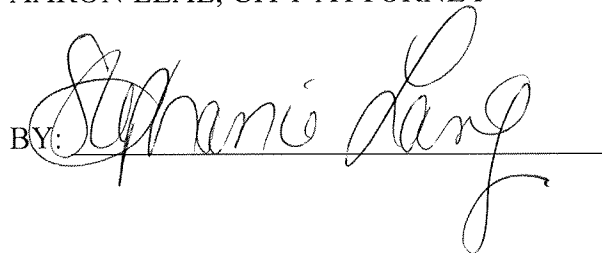
PASSED AND APPROVED this the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
CHRIS WATTS, MAYOR

ATTEST:  
JENNIFER WALTERS, CITY SECRETARY

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

APPROVED AS TO LEGAL FORM:  
AARON LEAL, CITY ATTORNEY

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