

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, GRANTING THE DENTON MUD BUG BOIL, PURSUANT TO SECTION 17-20 OF THE CODE OF ORDINANCES, A NOISE EXCEPTION ON SUNDAY, MAY 6, 2018, FROM NOON TO 6 P.M. IN A PRIVATE PARKING LOT LOCATED AT 1121 W. HICKORY ST.; 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 Denton Mud Bug Boil ("Event") has made application to the City Council for an exception to the provision restricting hours of operation for an outdoor event, in connection with the Denton Mud Bug Boil held at 1121 W. Hickory St., 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 on Sunday, May 6, 2018, from noon to 6 p.m.;

WHEREAS, based upon this request, 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 Denton Mud Bug Boil 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 Denton Mud Bug Boil annual event at 1121 W. Hickory St.
2. The Event 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 Event agrees to cease using amplified loudspeakers at 6 p.m. on Sunday, May 6, 2018.
4. Under no circumstances shall the Event employ the use of amplified loudspeakers past 6 p.m. on Sunday, May 6, 2018.
5. Under no circumstances shall the Event employ the use of amplified loudspeakers that exceed 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, 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.

The motion to approve this ordinance was made by _____ and seconded by _____, the ordinance was passed and approved by the following vote [____ - ____]:

Mayor Chris Watts: _____

Gerard Hudspeth, District 1: _____

Keely G. Briggs, District 2: _____

Don Duff, District 3: _____

John Ryan, District 4: _____

Dalton Gregory, At Large Place 5: _____

Sara Bagheri, At Large Place 6: _____

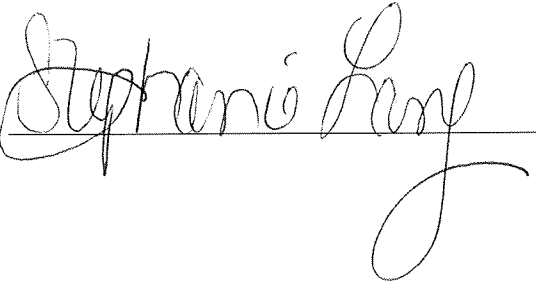
PASSED AND APPROVED this the _____ day of _____, 2018.

CHRIS WATTS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
AARON LEAL, CITY ATTORNEY

BY: _____