

ORDINANCE NO. 3652

AN ORDINANCE OF THE CITY OF NORTH RICHLAND HILLS, TEXAS, AMENDING ORDINANCE NO. 3644 RELATING TO THE DECLARATION OF LOCAL DISASTER FOR PUBLIC HEALTH EMERGENCY DUE TO THE COVID-19 PANDEMIC TO MODIFY THE PENALTY PROVISION; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES AND REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in December 2019, Coronavirus Disease (COVID-19), caused by severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2), was first detected in Wuhan City, Hubei Province, China; and

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a worldwide pandemic; and

WHEREAS, continuous spread of the disease presents an imminent threat of widespread illness or loss of life resulting from a global pandemic and other public calamity resulting therefrom, which requires emergency action; and

WHEREAS, declarations of disaster have been issued by the President of the United States, the County Judge of Tarrant County, and by Texas Governor Greg Abbott for all Texas counties for COVID-19; and

WHEREAS, Governor Abbott has issued numerous Executive Orders which have the rule of law, to provide statewide measures to address the spread of COVID-19 ("Executive Orders") and to implement phases of the Open Texas strategic plan ("Open Texas Plan"); and

WHEREAS, on May 4, 2020, the City Council of the City of North Richland Hills adopted Ordinance No. 3644 incorporating Governor Abbott's Executive Orders and providing for a penalty for violation of the ordinance; and

WHEREAS, on May 7, 2020, Governor Abbott modified his Executive Orders to eliminate confinement as a penalty for violation of his Executive Orders retroactive to April 2, 2020; and

WHEREAS, the City Council now wishes to amend Ordinance No. 3644 to modify the penalty provision for violation;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH RICHLAND HILLS, TEXAS:

SECTION 1: That the City Council hereby finds the recitals above to be true and correct, and such recitals are hereby incorporated into this Ordinance as if written herein.

SECTION 2: That Section 12 of Ordinance No. 3644 is hereby amended to read as follows:

That any person, firm, corporation, agent or employee thereof who violates any of the provisions of this Ordinance commits an offense that is considered a class C misdemeanor, and each day the violation continues shall be a separate offense punishable by a fine of not more than \$1,000. The penalty provided for in this Ordinance is in addition to any other remedies the City may have or the authority to enforce under City ordinances and state law, including any penalties outlined in the Executive Orders issued to address the spread of COVID-19.

SECTION 3: This Ordinance shall be cumulative of all provisions of the Code of Ordinances of the City of North Richland Hills, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 4: It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5: All rights and remedies of the City of North Richland Hills are expressly saved as to any and all violations of the provisions of any ordinances in the Code of Ordinances of the City of North Richland Hills that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 6: That this Ordinance shall be filed promptly with the City Secretary, and shall be given prompt and general publicity.

SECTION 7: This ordinance shall be in full force and effect from and immediately after its passage.

AND IT IS SO ORDAINED.

PASSED AND APPROVED on the 18th day of May, 2020.

CITY OF NORTH RICHLAND HILLS

Oscar Trevino, Mayor

ATTEST:

Alicia Richardson, City Secretary

Approved as to Form and Legality:

Maleshia B. McGinnis, City Attorney

Approved to Content:

Jimmy Perdue, Director of Public Safety