

ORDINANCE NO. 3414

AN ORDINANCE AMENDING ARTICLE XII “SWIMMING POOLS” OF CHAPTER 98 “BUILDINGS AND BUILDING REGULATIONS” OF THE CODE OF ORDINANCES, CITY OF NORTH RICHLAND HILLS, TEXAS TO AMEND SWIMMING POOL REGULATIONS; AMENDING APPENDIX A “FEE SCHEDULE” TO ADD FEES RELATING TO ACQUITICS FACILITIES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of North Richland Hills is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City of North Richland Hills previously adopted regulations for the Swimming pools within the City of North Richland Hills, codified in Article XII of Chapter 98 of Code of Ordinances, City of North Richland Hills, Texas (“Code”); and

WHEREAS, the City of North Richland Hills now desires to update and amend those regulations.

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

SECTION 1.

Article XII “Swimming Pools” of Chapter 98 “Buildings and Building Regulations” of the Code is retitled “Aquatic Facilities” and is amended to read as follows:

**ARTICLE XII — AQUATIC FACILITIES
DIVISION 1. - GENERALLY**

Sec. 98-591. - Findings of fact.

The city council has determined that the regulation of public and semipublic aquatic facilities is necessary and beneficial for the health, safety and welfare of the inhabitants of the city. It is therefore ordained that provisions regulating public and

semipublic aquatic facilities and providing a penalty for violations of any provision of this article be adopted.

Sec. 98-592. – Purpose

The purpose of this article is the establishment and amendment of minimum standards for the construction, operation and maintenance of public and semipublic aquatic facilities and their related facilities in order to protect the health and safety of the public.

Sec. 98-593 – Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Article, shall have the meanings hereinafter designated. A term not included in this list of definitions but defined within the state aquatic facility regulations shall have the meaning assigned to it within the state aquatic facility regulations.

AQUATIC FACILITY means a pool, spa, special aquatic activity device, public interactive water feature, fountain or venue that may be used for swimming or bathing, or other regulated water body as defined by state aquatic facility regulations.

CERTIFIED POOL OPERATOR. A person who:

- (a) Possesses a valid and current certificate of accreditation, and
- (b) Obtains certification by completion of one of the following courses or other nationally recognized course in aquatic facility operation, safety and management, and:
 - 1) NRPA, "Aquatic Facility Operator" (A.F.O.);
 - 2) NSPF, "Certified Pool-Spa Operator" (C.P.O.);
 - 3) Y.M.C.A., "Pool Operator on Location" (P.O.O.L.);
 - 4) NSPI, "Professional Pool and Spa Operator" (P.P.S.O.); or
 - 5) ASPSA, "Licensed Aquatic Facility Technician" (L.A.F.T.); or
 - 6) Other training at discretion of the Director of Neighborhood Services.

CONSUMER HEALTH OFFICIAL. An Employee of the Department of Neighborhood Services charged with the enforcement of this article by the Director of Neighborhood Services, or the official's authorized representative.

DIRECTOR. The Director of the Department of Neighborhood Services for the city, or the Director's authorized representative.

ENCLOSURE means a fence, wall, or combination of fences, walls, gates, windows, or doors that completely surround an aquatic facility.

EXTENSIVELY REMODELED means the replacement of or modification to an aquatic facility structure or its enclosure, its circulation system or its appurtenances, so that the design, configuration or operation is different from the original design, configuration or operation, including the installation of new deck detail or tile work that is different from

the original design. This term does not include the normal maintenance and repair or the replacement of equipment which has been previously approved if the size, type or operation of the equipment is not substantially different from the original equipment.

PERSON IN CHARGE means the owner of the aquatic facility, or the person identifying himself or herself as the owner's designated representative and person in charge on the permit application. This person may also be the certified pool operator.

PRIVATE AQUATIC FACILITY means any aquatic facility located on private, single-family residential property under the control of the homeowner or tenant, the use of which is limited to members of the homeowner's or tenant's family or invited guests.

PUBLIC AQUATIC FACILITY means any aquatic facility which is intended to be used by the general public for swimming, bathing or other related purposes and is operated by an owner, lessee, operator, licensee or concessionaire, regardless of whether a fee is charged for use.

SECURED means that an enclosure during normal operation is maintained so that all gates and entrances are maintained closed with functioning self-latching and self-closing mechanisms, and that the enclosure is not allowed to maintain gaps large enough to allow the passage of a 4" sphere or provide any feature that may be climbed by a child to gain access to the aquatic facility. The enclosure during times when the aquatic facility is closed to the public must maintain the above conditions, but the gates or entrances to the enclosure must also be locked so that no person may enter the gates or entrances without the authorization of the certified pool operator and/or person in charge.

SEMIPUBLIC AQUATIC FACILITY means any aquatic facility which is not included within the definition of either "private aquatic facility" or "public aquatic facility" as those terms are defined in this section.

SERVICE ANIMAL means an animal such as a guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability.

STATE AQUATIC FACILITY REGULATIONS means the regulations adopted by the state of Texas to regulate public pools and spas, and includes the following, as amended from time to time:

- (a) Tex. Health and Safety Code Title 5. § 341.064 "Swimming Pools and Bathhouses;" and
- (b) Tex. Health and Safety Code Chapter 757 (Pool Yard Enclosures); and
- (c) Tex. Administrative Code Title 25, Part I, Chapter 265 Subchapter L, "Standards of Public Pools and Spas;" and
- (d) Tex. Administrative Code Title 25, Part I, Chapter 265 Subchapter M, "Public Interactive Water Features and Fountains."

Sec. 98-594. Adoption of State Aquatic Facility Regulations

- (a) The standards of the following statutes, laws, and regulations in their current form and as they may hereafter be amended, are adopted and applied into this article as if they were set forth at length herein:
- 1) Tex. Health and Safety Code Title 5. § 341.064 "Swimming Pools and Bathhouses;" and
 - 2) Tex. Health and Safety Code Chapter 757 (Pool Yard Enclosures); and
 - 3) Tex. Administrative Code Title 25, Part I, Chapter 265 Subchapter L, "Standards of Public Pools and Spas;" and
 - 4) Tex. Administrative Code Title 25, Part I, Chapter 265 Subchapter M, "Public Interactive Water Features and Fountains."
- (b) If a conflict occurs between a provision of this article and a provision of the above statutes, laws, or regulations, the more strict provision shall apply.

Sec. 98-595. - Failure to Comply

- (a) Failure to comply with any section of this article may result in the immediate closure of the aquatic facility, the initiation of legal action, permit suspension, and/or permit revocation.
- (b) Upon determination that the aquatic facility does not comply with the provisions of this article, the consumer health official shall notify the certified pool operator and/or the person in charge of the aquatic facility of the existing violations.

Sec. 98-596. - Enforcement Responsibility

The consumer health official or his authorized representative shall have enforcement responsibility for this article.

Sec. 98-597. - Penalty for violation of article.

Any person violating or failing to comply with any of the provisions of this article shall be fined, upon conviction, as provided in section 1-13. Each day any violation of noncompliance continues shall constitute a separate and distinct offense. The penalty provided herein shall be cumulative of other remedies provided by state law; and the power of injunction and as may be amended may be exercised in enforcing this article whether or not there has been a complaint filed.

Secs. 98-598-98-620 Reserved for future use

DIVISION 2. – PUBLIC OR SEMIPUBLIC AQUATIC FACILITY PERMIT

Sec. 98-621. – Permit Required.

- (a) A person shall not operate a public or semipublic aquatic facility in the city unless and until a permit for such purposes has been issued by the consumer health official or his designee.
- (b) The consumer health official shall not issue a permit until all required inspections have been completed and all fees have been paid in accordance with this article.
- (c) An application for such permit as required in this section shall be made annually in writing to the consumer health official or his designee upon forms prescribed and furnished by the city.
- (d) An applicant must designate a certified pool operator and person in charge for each facility for which a permit is sought. The person designated as the certified pool operator must be employed on the premises where the aquatic facility is located, and must be able to physically respond to the facility address within one hour of being notified by the consumer health official.
- (e) Operational permits shall expire on April 30 of each year, unless suspended for cause before the expiration date, and must be renewed each year in accordance with this article.
- (f) A separate permit is required for each body of water on site. For example, an enclosure containing both a swimming pool and a spa must obtain a permit for the swimming pool and a separate permit for the spa.
- (g) Public aquatic facilities which are owned and operated by the city, public schools, or as determined by the Director of the Department of Neighborhood Services, must obtain an operational permit but shall be exempt from paying the application fee and the operational permit fee.
- (h) Facilities constructed before the adoption of this article must comply with all provisions of this article and all future amendments to this article, unless the Director of the Department of Neighborhood Services grants a variance in writing, or unless otherwise exempted under Tex. Health and Safety Code Sec. 757.005.
- (i) If a variance to this article is issued by the Director of the Department of Neighborhood Services, the permit applicant must annually reapply for the variance in writing. The granting of a variance does not guarantee that the Director will grant future variances.
- (j) All fees are nonrefundable and will not be prorated.

Sec. 98-622. - Permit Duration and Renewal

The permit required by Sec. 98-621 must be renewed before May 1 of each calendar year.

Sec. 98-623. - Grounds for Permit Denial

- (a) The Director may deny the issuance of a permit for a public or semipublic aquatic facility:
 - 1) If the applicant for the permit of the aquatic facility being permitted has been convicted of one or more violations of this article or state aquatic facility regulations; or
 - 2) If any of the permit conditions of this article are not met.
- (b) An applicant whose permit is denied will be notified by the director, in writing, within ten days of the date of the denial. The director shall set out the grounds for the denial.
- (c) The notice will be personally delivered to the applicant or sent by certified mail, return receipt requested, to the address listed on the application.
- (d) An applicant whose permit is denied may request an appeals hearing within ten days after service of the notice of denial. Such request shall be in writing, shall specify the reasons why the permit should not be denied, and shall be filed with the director.

Sec. 98-624. – Grounds for Permit Suspension/Revocation

After notice and hearing, the director may suspend for up to 180 days or may revoke an public or semipublic aquatic facility permit if:

- (a) The permit holder or person in charge of the aquatic facility is convicted of a violation of this article or state aquatic facility regulations during the term of the permit; or
- (b) The permit holder or person in charge of the aquatic facility fails to comply with any of the permit conditions set forth in this article; or
- (c) The permit holder or person in charge of the aquatic facility fails to comply with an inspection report order; or
- (d) The permit holder or person in charge of the aquatic facility disobeys a closure order issued by the consumer health official pursuant to this article; or
- (e) The permit holder or person in charge made a materially false statement on the permit application or there is any false statement or misrepresentation as to a material fact in any plans and specifications submitted pursuant to this article.

Secs 98-625 – 98.640 Reserved for future use

DIVISION 3. – PLANS REVIEW AND INSPECTIONS

Sec. 98-641. – Right of Entry

The consumer health official, the building official of the city or designee, and/or the fire marshal of the city or designee, are authorized to conduct such inspections as deemed necessary to ensure compliance with all provisions of this article and the code of ordinances of the city. They shall have right of entry at any reasonable hour upon the premises where a public or semipublic aquatic facility is located. They shall have the authority to collect water samples and photographic and/or video evidence from the aquatic facility.

Sec. 98-642. – Plans Review and Construction Inspections

- (a) Prior to beginning the construction of a new aquatic facility or the extensive remodeling of an existing aquatic facility, the owner shall submit plans and specifications for such construction or remodeling to the consumer health official and Building Inspections Department for review.
- (b) The plans and specifications shall indicate the proposed layout and arrangement of mechanical, plumbing, fencing, electrical, construction materials of work areas, the type and model of proposed fixed equipment and facilities and all associated buildings or structures.
- (c) A licensed professional engineer shall examine the final aquatic facility design/blueprints for all new and extensively remodeled aquatic facilities (including structural, mechanical, plumbing or electrical renovations) and certify by original signature and engineer's seal compliance with state aquatic facility regulations and this article.
- (d) No work shall begin until the consumer health official has received the engineer's certificate of pre-construction, conducted a plans review and has communicated with the Building Inspections Department that a building permit may be issued. Work shall commence and conclude within the time allowed by such permits. Deviations from approved plans shall not be permitted without approval in writing from the consumer health official and the Building Inspections Department. If no work has begun within 180 days from the date the consumer health official has given written notice that work may begin, or if work has begun and is halted more than 60 days, the director may withdraw approval.
- (e) The aquatic facility construction shall pass a pre-gunite inspection, pre-plaster inspection and preoperational inspection by the consumer health official prior to issuance of a permit. The completion of these inspections by a consumer health official does not substitute or replace inspections required by other departments within the city.
- (f) A licensed professional engineer shall inspect the completed new or renovated aquatic facility construction and certify by original signature and engineers seal

that the aquatic facility is installed and constructed in accordance with state aquatic facility regulations and this article.

- (g) It is the responsibility of the person in charge to ensure that the building permit applicant and licensed professional engineer comply with all zoning, building, fire, and health ordinances of the City of North Richland Hills.

Sec. 98-643. – Annual Pre-Operation Inspections

- (a) Each public or semipublic aquatic facility shall pass a pre-operation inspection by the consumer health official prior to use by the public each permit year. There shall be no charge for one preliminary pre-operation inspection that is not requested by the facility and for one pre-operation inspection that is requested by the facility; a reinspection fee shall be required for all further pre-operation inspections.
- (b) Each public or semipublic aquatic facility shall also annually submit certification by a licensed, registered electrician that the electrical equipment for the aquatic facility meets all local, State, and Federal electrical codes on a form promulgated by the City.
- (c) A representative from each public or semipublic aquatic facility shall attend a pre-season pool safety meeting coordinated by the consumer health official prior to the beginning of each permit year. This representative should be the person in charge, the certified pool operator, and/or designee of the person in charge or certified pool operator. It shall be the responsibility of the person in charge and the certified pool operator to be knowledgeable about all information conveyed through the pre-season pool safety meeting.

Sec. 98-644. – Reinspections due to Closure or Pre-Operation Inspection Failure

Reinspections due to closure or pre-operation inspection failure shall be performed in accordance with Sec. 98-643 above and with Sec. 98-661 and Sec. 98-972 below.

Secs 98-645 – 98-660 Reserved for Future Use

DIVISION 4. – FEES

Sec. 98-661. Fees

Permit fees, application fees, plans review fees, registration fees, inspection fees, and reinspection fees for public and semi-public aquatic facilities shall be as listed in appendix A. The director of finance shall review all fees annually and adjust fees by the increase in the DFW Consumer Price Index for the preceding 12 months as established by the U.S. Department of Commerce.

Secs 98-662-98-970 Reserved for Future Use

DIVISION 5. – MAINTENANCE AND OPERATION OF PUBLIC AND SEMI-PUBLIC AQUATIC FACILITIES

Sec. 98-971. – Duties of Certified Pool Operator and/or the Person in Charge

It shall be the duty of the certified pool operator and/or the person in charge to:

- (a) Physically respond within one hour of being notified by the consumer health official to the site of the aquatic facility; and
- (b) Check at least once per day that the aquatic facility remains in compliance with this article and with state aquatic facility regulations; and
- (c) Check and record water chemistry at least once per day for each aquatic facility permitted to ensure compliance with state aquatic facility regulations, including:
 - a. Disinfectant levels; and
 - b. pH levels; and
 - c. Cyanuric acid levels (if applicable); and
- (d) Ensure that an appropriate method is used to check water chemistry as specified in state aquatic facility regulations; and
- (e) Retain records of daily water chemistry checks for at least two years on site; and
- (f) Ensure that the steps detailed in Sec. 98-972 (b-f) are completed if any conditions exist that require temporary closure of public and semi-public aquatic facilities as specified in Sec. 98-972 (a) below.
- (g) Register certification as a Certified Pool Operator with City of North Richland Hills Consumer Health Department and maintain a copy of the registration on site at the facility. In the event that the certified pool operator is no longer employed on premises, the aquatic facility must employ another certified pool operator who possesses or obtains a current North Richland Hills certified pool operator registration within 30 days of the effective date of termination or permanent transfer of the previous certified pool operator.

To ensure compliance with this article, it is recommended that all certified pool operators use a test kit certified by the American National Standards Institute (ANSI).

Sec. 98-972. – Temporary Closure of Public and Semi-Public Aquatic Facilities

- (a) The following conditions require immediate closure of public and semi-public aquatic facilities:
- 1) The emergency phone on-site is absent, missing, or not functioning; or
 - 2) The water chemistry of the aquatic facility is outside of required legal limits or is hazardous to public health and safety; or
 - 3) Life safety equipment or signage is missing or damaged; or
 - 4) The required safety vacuum release system (SVRS) is not working; or
 - 5) Drain or suction outlet covers become damaged or detached; or
 - 6) The bottom of the aquatic facility cannot be clearly seen at any part of the water body; or
 - 7) The aquatic facility equipment ceases to circulate; or
 - 8) The facility enclosure is damaged; or
 - 9) The gates or doors to the aquatic facility fail to self-close and self-latch; or
 - 10) An entanglement or entrapment hazard exists, regardless of the age of the aquatic facility; or
 - 11) Any other event or condition exists that is hazardous to the health or safety of swimmers or of the general public.
- (b) If the consumer health official, certified pool operator, and/or person in charge determines that any condition exists in the aquatic facility that is hazardous to the health or safety of the swimmers or of the general public, the facility shall be closed and the certified pool operator and/or the person in charge shall immediately take all reasonable steps to prevent the use of the aquatic facility during closure. This includes:
- 1) All entrances into the aquatic facility enclosure shall be secured and locked. The certified pool operator and/or person in charge shall be responsible for keeping the entrances secured and locked at all times while the facility is closed.
 - 2) Signs shall be posted at all entrances to the aquatic facility. Said sign shall be clearly visible to a reasonably observant person and shall state in minimum 2 inch letters, "POOL CLOSED." The certified pool operator and/or person in charge shall be responsible for keeping the closure sign visible at all times.
 - 3) A closure sign posted by the consumer health official shall not be removed by any person other than the consumer health official. Removal of the closure

sign posted by the consumer health official without authorization may result in citation, suspension, and/or revocation of the aquatic facility permit.

- (c) If the consumer health official determines that the condition of the aquatic facility is hazardous to the health or safety of the swimmers or the general public and orders closure, a reinspection of the facility must be conducted by the consumer health official prior to allowing the aquatic facility to be used or reopened. The reinspection shall be conducted during the regular working hours of the Department of Neighborhood Services at the request of the certified pool operator. If compliance has been achieved, the consumer health official shall notify the certified pool operator and/or the person in charge that the aquatic facility may be opened or reopened for use by swimmers and the general public.
- (d) If a reinspection of the facility by the consumer health official is required, a reinspection fee shall be charged for each reinspection of each aquatic facility in accordance with Sec. 98-661 above.
- (e) It shall be a violation for the certified pool operator and/or the person in charge to allow use of the aquatic facility after the consumer health official has ordered the facility closed and before the consumer health official has informed the certified pool operator and/or person in charge that the facility may be reopened.
- (f) Use of the aquatic facility by an individual for swimming, diving or bathing purposes after the consumer health official has ordered such aquatic facility to be closed shall be deemed prima facie evidence that the owner of the aquatic facility has knowingly allowed the aquatic facility to be used for such purposes.

Sec. 98-973. - Additional Regulations for Aquatic Facility Enclosures

- a) The aquatic facility shall be surrounded by an approved enclosure not less than six feet in height with self-closing and self-latching gates or doors at all entrances into the aquatic facility area with latches or locks designed to keep children out of the aquatic facility area without adult supervision. Said enclosure shall be kept in good repair or secured at all times, and shall comply with all other provisions of state aquatic facility regulations.
- b) A door or pool alarm shall be required if deemed necessary by the Director on all doors and windows inside a building that provide direct access into the pool enclosure.
- c) In addition to any other law and pursuant to Texas Local Government Code Ch. 214, Subchapter C, "Swimming Pool Enclosures", as amended, the City may repair, replace, secure, or otherwise remedy an enclosure that is damaged, deteriorated, substandard, dilapidated, or otherwise in a state that poses a hazard to the public health, safety, and welfare. The City may order the owner of the enclosure or any person in control of the property on which the enclosure is located to repair, replace, secure, or otherwise remedy the enclosure in accordance with Texas Local Gov't Code Sec. 214.101.

Sec. 98-974. - Additional Signage and Safety Requirements for Public and Semipublic Aquatic Facilities

- (a) The aquatic facility enclosure shall maintain all signage required by state aquatic facility regulations, as well as any other signage deemed necessary and beneficial by the Director of Neighborhood Services.
- (b) A guide line rope with intact, functional floats shall separate the shallow portion of the aquatic facility from the deep portion at the breakpoint depth as deemed necessary by the consumer health official. This line must be securely in place during all hours of facility operation.
- (c) Cyanuric acid use and levels shall be governed by either State Aquatic Facility Regulations or the most recent adopted version of the Model Aquatic Health Code created by the Centers for Disease Control and Prevention. The more restrictive provision shall apply.

Sec. 98-975. - Compliance with Local and State Regulations Regarding Backflow Prevention and Stormwater Control

- (a) Water introduced into the aquatic facility shall be supplied through an approved air gap. Any other method of introducing water into the aquatic facility system must comply with all other city ordinances and best management practices recommended by the Texas Commission on Environmental Quality, regardless of the age or pre-existence of the facility. If any conflict between provisions exists, the more strict provision shall apply unless a variance from this provision is granted.
- (b) All backwash and drainage water shall be disposed of into the city sanitary water system through lines and equipment installed in accordance with all codes and ordinances adopted by the City of North Richland Hills and all other relevant jurisdictions unless said water:
 - 1) Does not possess any potentially hazardous characteristics that would pose a threat to private or public health and safety or to property; and
 - 2) Is to be used to recycle as non-potable gray water and for conservation purposes only.
- (c) No backwash or drainage water may be pumped or drained directly to adjacent public or private property.

Sec. 98-976. - Regulations for All Persons in Aquatic Facilities

A person commits an offense if he:

- (a) Has skin abrasions, open sores, skin disease, eye disease, nasal or ear discharge, diarrhea, or a communicable disease and bathes in a public or semipublic aquatic facility; or
- (b) Alters or removes safety equipment or signage from a public or semipublic aquatic facility except in an emergency; or
- (c) Alters or damages any part of a public or semipublic aquatic facility enclosure or allows the aquatic facility enclosure to remain unsecured while the enclosure is under repair; or
- (d) Alters or damages drain and/or suction outlet covers or grates; or
- (e) Carries glass within a public or semipublic aquatic facility area or enclosure; or
- (f) Allows an animal under his control to enter or remain within the aquatic facility area or enclosure of a public or semipublic aquatic facility without approval from the Director of Neighborhood Services, unless the animal is a service animal; or
- (g) Interferes with or obstructs the consumer health official while the consumer health official is in the process of enforcing this article; or
- (h) Is the certified pool operator or the person in charge and violates any provision of this article.

SECTION 2.

Appendix A “Fee Schedule” of the Code is amended to add the following fees to Section 98-661:

Certified Pool Operator	\$21.00
Aquatics Facility Reinspection	\$54.00

SECTION 3.

Appendix A “Fee Schedule” of the Code is amended to remove the following “Swimming Pools-public and semi-public permit” fees from Section 18-193 and place them in Section 98-661 to read as follows:

Aquatics Facilites-public and semi-public permit	
Application (new owners/new business)	\$104.00
Plan review	\$123.00
Annual permit fee per pool/spa	\$160.00

SECTION 4.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances, City of North Richland Hills, Texas, as amended, except where the provisions are in direct conflict with the provisions of other ordinances, in which event

the conflicting provisions of the other ordinances are hereby repealed.

SECTION 5.

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 6.

Any person, firm or corporation who violates, disobeys, omits, neglects, refuses or fails to comply with, or who resists the enforcement of any provision of this ordinance shall be fined as provided in Code of Ordinances Section 1-13 for each offence. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 7.

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

SECTION 8.

This ordinance shall be in full force and effect from and after its passage as provided by law, and it is so ordained.

AND IT IS SO ORDAINED.

PASSED AND APPROVED ON THIS 13th DAY OF June 2016.

CITY OF NORTH RICHLAND HILLS

By: _____
Oscar Trevino, Mayor

ATTEST:

Alicia Richardson, City Secretary

Approved as to form and legality:

Cara Leahy White, Assistant City Attorney

Approved as to Content:

Stefanie Martinez, Director of Neighborhood Services