

ORDINANCE NO. 3680

AN ORDINANCE OF THE CITY OF NORTH RICHLAND HILLS, TEXAS, EXTENDING A TEMPORARY MORATORIUM ON ALL DOOR-TO-DOOR SOLICITATION ACTIVITIES AND DISTRIBUTION OF HANDBILLS AUTHORIZED BY CHAPTER 18, ARTICLE VII OF THE CODE OF ORDINANCES OF THE CITY OF NORTH RICHLAND HILLS; PROVIDING FOR A PENALTY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES AND REPEAL OF CONFLICTING PROVISIONS; PROVIDING SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, on January 30, 2020, the World Health Organization Director General declared the outbreak of COVID-19 as a Public Health Emergency of International Concern and advised countries to prepare for the containment, including active surveillance, early detection, isolation and case management, contact tracing, and prevention of onward spread of the disease; and

WHEREAS, COVID-19 spreads between people who are in close contact with one another through respiratory droplets produced when an infected person coughs or sneezes; 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, President Donald Trump declared a State of National Emergency for the United States of America on March 13, 2020; and

WHEREAS, County Judge Glen Whitley issued a Declaration of Local Disaster Due to Public Health Emergency for Tarrant County for COVID-19 on March 13, 2020, which was amended and continued through April 30, 2020; and

WHEREAS, the Mayor of the City of North Richland Hills issued a Declaration of Local Disaster Due to Public Health Emergency on March 13, 2020, and subsequently amended the Declaration to implement measures to help mitigate the impacts of COVID-19 and stop its spread across the City and surrounding areas; and

WHEREAS, the North Richland Hills City Council approved actions to extend the Mayor's Declaration of Public Health Emergency, as amended, through April 30, 2020; and

WHEREAS, Governor Greg Abbott issued a State of Disaster for all Texas counties for COVID-19 on March 13, 2020; and

WHEREAS, on April 27, 2020, after determining that additional measures and guidelines are still needed to address the COVID-19 pandemic, Governor Abbott issued Executive Orders GA-18 and GA-19 (referred to herein as "Order GA-18" and "Order GA-19" respectively) to provide statewide measures to address the spread of COVID-19 and to implement Phase I of the Open Texas strategic plan ("Open Texas Plan"); and

WHEREAS, on May 4, 2020, City Council approved Ordinance No. 3644, which superseded all City of North Richland Hills Declarations of Public Health Emergency and designated a Local Disaster for Public Health Emergency due to the COVID-19 pandemic ("Ordinance No. 3644"); and

WHEREAS, on May 4, 2020, City Council approved Ordinance No. 3645 establishing a temporary moratorium through June 8, 2020 on all door-to-door solicitation activities and distribution of handbills to mitigate the effects and spread of COVID-19 ; and

WHEREAS, on December 5, 2020, Governor Abbott's Executive Order GA-32 ("Order GA-32") required many businesses in Tarrant County to reduce occupancy from 75% to 50% effective immediately due to high COVID-19 hospitalization rates in North Texas; and

WHEREAS, on December 14, 2020, the City Council approved Ordinance No. 3677 establishing a temporary moratorium on all door-to-door solicitation activities and distribution of handbills to mitigate the effects and spread of COVID-19; and

WHEREAS, Ordinance No. 3677 was set to expire at 11:59 p.m. on January 31, 2021 unless further action is taken by City Council; and

WHEREAS, the number of COVID-19 cases has not declined, and the City Council finds it is in the best interest of the public to extend the temporary moratorium through 11:59 p.m. on February 28, 2021.

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

SECTION 1: 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 this Ordinance hereby suspends all door-to-door solicitation activities and distribution of handbills authorized by Chapter 18, Article VII, of the Code of Ordinances of the City of North Richland Hills, Solicitors and Handbills in accordance with the CDC guidelines to minimize all in-person contact with persons not in the same household. No new permits shall be issued for door-to-door solicitation or for the distribution of handbills for the duration of the time in which Ordinance No. 3677 is in effect. Upon expiration or termination of this moratorium, all current solicitor's permits shall be extended by the time period equal to the length of time this moratorium is in effect calculated beginning the day following expiration of the permit. All current handbill permits shall be extended by the time period equal to the length of the time this moratorium is in effect calculated beginning the day following expiration of the handbill permit, except that no handbill permit shall be extended for longer than thirty (30) days.
- SECTION 3:** That this moratorium shall expire at 11:59 p.m. on February 28, 2021 after this ordinance becomes effective, unless further action is taken by the City Council to modify or extend the moratorium.
- SECTION 4:** That this Ordinance hereby authorizes the use of all lawfully available enforcement tools, including but not limited to, suspension or revocation of a solicitor's and handbill permit, and civil or criminal penalties as set forth in the North Richland Hills Code of Ordinances. Each offense 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 \$500.00.
- SECTION 5:** 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 6:** 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 7:** 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 8: That this Ordinance shall be filed promptly with the City Secretary, and shall be given prompt and general publicity.

SECTION 9: This Ordinance shall be in full force and effect immediately from and after its passage.

AND IT IS SO ORDAINED.

PASSED AND APPROVED on this 25th day of January, 2021.

CITY OF NORTH RICHLAND HILLS

By: _____
Oscar Trevino, Mayor

ATTEST:

Alicia Richardson
City Secretary/Chief Governance Officer

APPROVED AS TO FORM AND LEGALITY:

Maleshia B. McGinnis, City Attorney