

ORDINANCE NO. 3810

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH RICHLAND HILLS, TEXAS, AMENDING CHAPTER 54 OF THE CODE OF ORDINANCES, ADOPTING ARTICLE X, STREET RACING AND RECKLESS DRIVING EXHIBITIONS; PROVIDING A PENALTY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES AND REPEAL OF CONFLICTING PROVISIONS; PROVIDING A 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, the City of North Richland Hills has seen an increasing number of street racing and reckless driving exhibitions, commonly referred to as “takeover” events; and

WHEREAS, street racing and reckless driving exhibitions threaten the health and safety of citizens and create a public nuisance; and

WHEREAS, The Texas Transportation Code makes it an offense for an operator of a motor vehicle to participate in a race, drag race, or vehicle speed competition; however, the Transportation Code does not currently prohibit spectators from gathering, attending, or participating in the preparation of takeover events, nor does it prohibit property owners from allowing the use of their own property for “takeover” events; and

WHEREAS, spectators of “takeover” events often place themselves in danger by attending these reckless driving exhibitions and creating an environment in which takeover events can flourish; and

WHEREAS, spectators of “takeover” events sometimes display and fire guns, impede traffic, as well as throw items at police and police vehicles, thereby placing innocent bystanders and responding officers in danger; and

WHEREAS, to exercise the police powers of the City for the preservation and protection of the public health, peace, safety and welfare, the City Council finds it necessary to adopt an Ordinance amending Chapter 54 of the Code of Ordinances to make spectators subject to penalties for their participation and attendance in “takeover” events.

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: Chapter 54 of the Code of Ordinances, City of North Richland Hills, Texas is hereby amended to add Article X, Street Racing and Reckless Driving Exhibitions, which shall be and read as follows:

ARTICLE X. – STREET RACING AND RECKLESS DRIVING EXHIBITIONS

Sec. 54-344. - Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section:

“Off-street parking facility” means any public or private off-street parking area open for use by the public for parking vehicles, other than a private residential property or the parking area of a garage or parking lot for which a charge is made for the storing or parking of vehicles.

“Preparations” means an activity in preparation for a street race or reckless driving exhibition including but not limited to, any of the following acts knowingly done for the purpose of causing or contributing to a street race or reckless driving exhibition:

- (a) Knowingly causing or contributing to one or more motor vehicles and persons gathering at a predetermined location on a public street, highway, or off-street parking facility;
- (b) Knowingly causing or contributing to one or more persons gathering on, or adjacent to, a public street or highway;
- (c) Knowingly causing or contributing to one or more persons gathering in an off-street parking facility;
- (d) Knowingly causing or contributing to one or more persons impeding the free public use of a public street, highway or off-street parking facility by acts, words or physical barriers;
- (e) Knowingly causing or contributing to one or more motor vehicles lining up on a public street, highway, or off-street parking facility with motors running, impeding the free public use of a public street, highway, or off-street parking facility or being a physical barrier;

(f) Knowingly causing or contributing to one or more drivers revving a vehicle's engine or causing the motor vehicle's tires to spin; or

(g) Standing or sitting in a location and knowingly acting, or anticipating to act as a person who signifies the start or beginning of a street race or reckless driving exhibition as defined herein.

"Reckless Driving Exhibition" means any exhibition of reckless driving as defined in Section 545.401 of the Texas Transportation Code, as amended.

"Spectator" means any person who is present at a street race, reckless driving exhibition or the site of the preparations for either of these events, when such a person attends for the purpose of viewing, observing, watching, betting, gambling, recording, transmitting, or witnessing the event as it progresses.

"Street Race" means any vehicle race, speed contest, drag race, acceleration contest, test of physical endurance of the operator of a motor vehicle or any manner of racing on a highway as defined in Section 545.420 of the Texas Transportation Code, as amended.

Sec. 54-345. – Offense; Spectators prohibited at Street Races and Reckless Driving Exhibitions.

(a) It shall be unlawful for any person to be present as a Spectator:

(1) At a Street Race conducted on a public street or highway;

(2) At a Reckless Driving Exhibition conducted on a public street, highway, or Off-street Parking Facility;

(3) Where Preparations are made or being made for a Street Race conducted on a public street or highway; or

(4) Where Preparations are made or being made for a Reckless Diving Exhibition conducted on a public street, highway, or in an Off-street Parking Facility.

(b) *Exemption.*

(1) Nothing in this section prohibits law enforcement officers, peace officers, their agents who are acting in the course of their official duties, or media or news personnel with official identification from a news media outlet who are reporting on the event, from being at a Street Race or Reckless Driving Exhibition or at the location of preparations for either of these activities.

- (2) Nothing in this section shall prohibit persons from attending properly sanctioned, licensed, or legally authorized racing events conducted pursuant to city or state regulations.

Sec. 54-346. – Aiding Street Racing and Reckless Driving Exhibitions.

- (a) A person commits an offense if he:
- (1) Allows Street Racing or Reckless Driving Exhibitions to occur on the premises that the person owns, operates or controls; or
 - (2) Engages in Preparations for Street Racing or Reckless Driving Exhibitions, as defined in this article.
- (b) It is a defense to prosecution that the person who owns, operates, or controls the premises:
- (1) Submitted a criminal trespass affidavit to law enforcement authorities complaining of Street Racing or Reckless Driving Exhibitions occurring on the premises that the person owns, operates or controls within 30 days prior to receiving a citation pursuant to this section; and
 - (2) Took reasonable and appropriate measures to make the property inaccessible to the public during non-business hours.
- (c) *Exemption.* Nothing in this section shall prohibit participation in properly sanctioned, licensed, or legally authorized racing events conducted pursuant to city or state regulations.

Sec. 54-347. – Penalty.

Any person who intentionally, knowingly, recklessly, or with criminal negligence violates any provision of this Article shall be deemed guilty of a misdemeanor punishable by fine not to exceed five hundred dollars (\$500.00).

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: 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 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: The City Secretary is hereby directed to publish the descriptive caption and penalty of this Ordinance. This Ordinance shall be in full force and effect from and after its passage and publication as required by law.

AND IT IS SO ORDAINED.

PASSED AND APPROVED on this ____ day of August, 2023.

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

APPROVED AS TO CONTENT:

Mike Young, Chief of Police