

ORDINANCE NO. 3561

AN ORDINANCE OF THE CITY OF NORTH RICHLAND HILLS, TEXAS, PROVIDING A MINORS CURFEW, AS SET FORTH IN ARTICLE II OF CHAPTER 50 OF THE NORTH RICHLAND HILLS CODE OF ORDINANCES; 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, a minor's curfew has been in force within the City since 1994; and

WHEREAS, Section 370.002 of the Texas Local Government Code, requires that before the third anniversary of the date of adoption of a juvenile curfew ordinance and every third year thereafter, the governing body of the City shall (1) review the ordinance or order's effects on the community and on problems the ordinance or order was intended to remedy; (2) conduct public hearings on the need to continue the ordinance or order; and (3) abolish, continue, or modify the ordinance or order; and

WHEREAS, The City Council has now reviewed the effect of the ordinance on the community and on problems the ordinance was intended to remedy and conducted public hearings on the need to continue such ordinance; and

WHEREAS, The City Council finds that there is a need for a minor's curfew and that it has served well to reduce the danger to minors themselves and to provide a means for making sure minors do not engage in behavior which is a danger to the community as well as themselves.

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: Article II of Chapter 50 of the North Richland Hills, Texas, Code of Ordinances is hereby adopted as the juvenile curfew ordinance.

SECTION 3: Any person intentionally, knowingly, recklessly, or with criminal negligence violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in accordance with Article I, Section 1-13 of the Code of Ordinances.

SECTION 4: 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 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: 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 7: This Ordinance shall be published twice and shall be in full force and effect from and after its passage and publication as required by law.

PASSED AND APPROVED on this 14TH day of January, 2019.

CITY OF NORTH RICHLAND HILLS

By: _____
Oscar Trevino, Mayor

ATTEST:

Alicia Richardson, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Maleshia B. McGinnis, City Attorney

APPROVED AS TO CONTENT:

Jimmy Perdue, Public Safety Director