

ORDINANCE NO. 3834

AN ORDINANCE OF THE CITY OF NORTH RICHLAND HILLS, TEXAS, REPEALING ARTICLE II OF CHAPTER 50, CURFEW FOR MINORS, OF THE CODE OF ORDINANCES OF THE CITY OF NORTH RICHLAND HILLS; 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, The City of North Richland Hills ("City") 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 Texas 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 previously required 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, On January 24, 2022, the City Council Enacted Ordinance No. 3726 adopting Article II of Chapter 50 of the North Richland Hills, Texas Code of Ordinances as the juvenile curfew ordinance; and

WHEREAS, On June 9, 2023, the Governor of the State of Texas signed House Bill 1819, amending section 370.007 of the Texas Local Government Code, prohibiting a political subdivision in the State of Texas from adopting or enforcing a curfew to regulate the movements or actions of persons younger than 18 years of age; and

WHEREAS, House Bill 1819 became effective on September 1, 2023; and

WHEREAS, To remove any conflict between state law and the North Richland Hills, Texas Code of Ordinances, the City Council wishes to repeal Article II of Chapter 50 and the associated Ordinance No. 3726 adopting the article;

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

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of Chapter 50, Curfew for Minors, and Ordinance No. 3726 approved by the City Council on January 24, 2022, are hereby repealed.

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, the provisions in this Ordinance shall control.

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: The City Secretary is hereby authorized and directed to cause the publication of the descriptive caption and penalty clause of this ordinance as required by law, if applicable.

SECTION 7: This ordinance shall be in full force and effect upon publication as required by law.

AND IT IS SO ORDAINED.

PASSED AND APPROVED on this 11th day of December, 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