

ORDINANCE NO. 3153

AN ORDINANCE AMENDING ARTICLE IV OF CHAPTER 18 OF THE NORTH RICHLAND HILLS CODE OF ORDINANCES; CONFORMING CITY REGULATIONS TO STATE STATUTES AND ADMINISTRATIVE REGULATIONS AND ADDING REGULATIONS FOR AFTER SCHOOL CARE; ESTABLISHING CLEARER RULES FOR SELF REGULATION AND COMPLIANCE WITH STANDARDS AND ENHANCING THE ABILITY OF CITY STAFF TO ENSURE THE SAFETY OF CHILDREN; ESTABLISHING STANDARDS; PROVIDING FOR ENFORCEMENT, FOR DUE PROCESS, PROVIDING DEFINITIONS, ESTABLISHING A PENALTY, PROVIDING FOR SEVERABILITY AND FOR PUBLICATION.

WHEREAS, City staff has recommended the adoption of amendments to the City's child care regulations to conform to state law and provide more definitive and detailed guidelines and standards and to clarify requirements for fees, inspections and enforcement; and

WHEREAS, the City Council finds that the regulations adopted herein are necessary to protect the health and safety of children in the custody of certain providers within the City; **NOW THEREFORE**,

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

Section 1: That Article IV of Chapter 18 of the North Richland Hills Code of Ordinances be amended to read as follows:

"ARTICLE II. - CHILD CARE AND BEFORE AND AFTER SCHOOL PROGRAM FACILITIES

DIVISION 1. - GENERALLY

Sec. 18-31. - Purpose.

The purpose of this article is to provide minimum standards for the operation of child care facilities and before and after school program facilities in the city, to protect the health, safety and welfare of the occupants and patrons.

Sec. 18-32. - State Texas Department of Family and Protective Services minimum standards adopted.

There is hereby adopted the "Minimum Standards for Day Care Centers" and "Minimum Standards for School-Age and Before or After-School Programs" published in Title 40, Chapters 744 and 746 of the Texas Administrative Code, a copy of which shall be kept

on file in the office of the city secretary. The provisions of the such minimum standards shall apply as though such regulations were copied at length herein, except where specific other provisions are expressed within this article or where the provisions contained herein require higher or greater standards of care.

Sec. 18-33. - Definitions.

- (a) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section unless otherwise expressly stated or where the context clearly indicates a different meaning:
 - (1) “*Child*” means a person under 18 years of age.
 - (2) “*Child-care facility*” means a facility licensed, certified, or registered by the Texas Department of Family and Protective Services to provide assessment, care, training, education, custody, treatment, or supervision for a child who is not related by blood, marriage, or adoption to the owner or operator of the facility, for all or part of the 24-hour day, whether or not the facility is operated for profit or charges for the services it offers.
 - (3) “*Foster home*” means a child-care facility that provides care for not more than six children for 24 hours a day.
 - (4) “*Religious organization*” means a church, synagogue, or other religious institution whose purpose is to support and serve the propagation of truly held religious beliefs.
 - (5) “*Before-school or after-school program*” means a child-care facility that provides care before or after, or before and after, the customary school day and during school holidays, for at least two hours a day, three days a week, to children who attend prekindergarten through grade six.
 - (6) “*Regulatory authority*” means the City of North Richland Hills Consumer Health Division and any other department or official of the city exercising the powers and duties established in this Article.
- (b) All other terms used herein shall have the meaning established for such terms by Chapter 42, Texas Human Resources Code.
- (c) The term "child care facility" shall not apply to organizations, facilities or operations not required by Chapter 42, Texas Human Resources Code to be licensed, certified, or registered.

DIVISION 2. – PERMITS

Sec..18-34. – Child care, before or after-school program general requirements, application procedures, plan review, permits.

(a) *General requirements:*

- (1) Every person, association, institution, or corporation, whether for profit or nonprofit, who shall conduct or manage a child care or before and after-school program and receives payment or benefits for such service shall obtain a permit from the regulatory authority.
- (2) No permit shall be granted to any person who is ineligible to be employed by the facility as defined by Sec. 18-39(c)(5) of the Code of Ordinances of the City of North Richland Hills.
- (3) The regulatory authority may approve or deny a permit to operate a child care center or before and after-school program. Upon approval, the regulatory authority shall collect the appropriate annual fee from the applicant and issue a permit, which will remain in effect unless suspended or revoked as herein provided.
- (4) In the event the regulatory authority shall refuse to grant a permit to any applicant, the provisions of section Sec. 18-39(d) shall govern any appeal of such denial. The reason(s) for such action shall be provided to the applicant in writing and details provided to correct the problem(s), if possible, which caused denial of the permit request.
- (5) Child care centers and before and after-school program facilities shall have a regular sanitation inspection at least twice annually with a written report. Any corrections called for in the report shall be made within time specified by the regulatory authority.

(b) *Application procedures:*

- (1) The child care or before and after-school program facility application and application fees must be submitted by the owner to the regulatory authority before construction is complete; transfer of operation; or new operations may begin in existing centers. The application must be submitted on the forms provided by the regulatory authority by the owner or, if the applicant is a corporation, a duly authorized representative of said corporation.
 - a. The application shall state the name, address, and age of the applicant and the commercial title and address of the child care

center or before and after-school facility. A copy of the applicant's current driver's license is required.

- b. The applicant is responsible for complying with all zoning, building, fire, and health ordinances of the City of North Richland Hills.

(c) *Affirmation of certificate of occupancy.* The permit application shall affirm that a certificate of occupancy has been applied for with the building inspection department, its issuance contingent, in part, on the successful application for a child care center or before and after-school program facility permit.

(d) *Plan review:*

- (1) Whenever a child care center or before and after-school facility is constructed or extensively remodeled and whenever an existing structure is converted to use as a child care or before and after-school facility, properly prepared plans and specifications for such construction, remodeling, or conversion shall be submitted to the regulatory authority for review and approval before construction, remodeling or conversion has begun. The plans and specifications shall indicate the proposed layout, arrangement, mechanical plans and construction materials of work areas and the type and model of proposed fixed equipment in centers. The regulatory authority shall approve the plans and specifications if they meet the requirements of the state of Texas regulatory authority and city ordinance.
- (2) Whenever plans and specifications are required to be submitted to the regulatory authority, the regulatory authority shall inspect the child care center or before and after-school facility prior to beginning its operation to determine compliance with the approved plans and specifications and with the requirement of these rules.
- (3) Residential structures shall not be permitted as a child care or before and after-school facility.
- (4) The child care or before and after-school facility shall meet the Texas Department of State Health Services Texas Food Establishment Rules if food is prepared and served at the center. Facilities serving only non-potentially hazardous snacks are exempt from the requirements of this article.
- (5) Free-standing diaper changing stations in infant and toddler areas shall have a hand sink, plumbed with hot (100°F) and cold running water, located at the diapering station. Hot water must be available within 20 seconds.

- (6) Child care centers providing over-night care shall provide bathtubs and/or showers.
- (7) Stairs and porches more than two (2) feet above the ground shall have railings the children can reach.
- (8) Outside play areas shall be surrounded by a fence with a minimum height of six (6) feet and shall be immediately adjacent to the center and located away from heavy traffic areas. Such fences shall be of a design to prevent entrapment hazards. Any child care center operating a before and after-school care program for in a public school building pursuant to a contract with any independent school district shall be exempt from the fence requirements of this article.
- (9) Outdoor play equipment shall be away from busy areas in the yard and securely anchored, unless portable by design.
- (10) Swimming pools shall be constructed, maintained, and comply with the State of Texas Regulations for Swimming Pools Texas Department of State Health Service's Standards for Public Swimming Pool and Spa.

(e) *Permit Required:*

- (1) No child care or before or after-school facility shall be operated within the city without a current permit issued by the City for such facility.
- (2) All child care or before and after-school facilities in the City of North Richland Hills must present proof of insurance against liability for personal injury or death of any person on the premises in the amount of \$300,000 for each occurrence of negligence as required by the Human Resource Code, 42.049 along with the application or renewal of the annual child care or before and after-school facility permit.
- (3) All permits when granted and issued shall be displayed in a place readily accessible for the inspection by the regulatory authority and any citizen. Permits issued hereunder shall be deemed personal to the permit holder and may not be transferred from one (1) location or from one (1) place of business to another.
- (4) No permit shall be deemed to grant a vested or property right, but such permit shall remain subject to the terms and provisions of this article and subject to such future regulations as shall be promulgated by the city council by ordinance and any investment made by an applicant or permit holder shall be made subject to this article.

Sec. 18-35. - Duration and renewal.

The term of each permit issued hereunder shall expire on November 30 and upon expiration may be renewed for a one year term by the payment of the annual permit fee and submission of proof of insurance unless suspended or revoked, as long as the background check for the owner, operator, director and each employee has been performed within 24 months. If such background checks are not current, no renewal shall issue until such background check is submitted.

Sec. 18-36. - Permit fee.

The fee for an annual permit for a child care facility and for a before and after-school facility shall be as established in Appendix A. The director of finance may review the fee annually and adjust the fee by the increase in the DFW Consumer Price Index for the preceding 12 months as established by the U.S. Department of Commerce.

Sec. 18-37. - Display.

The child care facility permit shall be conspicuously posted on an inside wall of the main facility and shall be continuously displayed in public view.

Sec. 18-38. - Nontransferable.

No permit issued under this article shall be used for any purpose other than the intent for which it was issued nor be transferred or assigned to, or in any manner used by, any person other than the one to whom issued by the regulatory authority or as otherwise designated by the city manager.

DIVISION 3. - FACILITY REGULATIONS

Sec. 18-39. Safety and sanitation.

- (a) *Operation of facility.* The operator of the child care or before and after-school facility shall operate the facility in compliance with the provisions of this article and other applicable sections of this Code, and shall respond within the specified schedule of time when any deficiency or violation has been identified by the regulatory authority or his designee or as otherwise designated by the city manager.
- (b) In an emergency occurrence, such as any circumstance that renders all or part of the center unsafe or unsanitary for a child care or before and after-school facility (for example, but without limitation, flood, fire, water outage, lack of hot water (100°F), power outage, or sewage backup), the person in charge shall immediately notify the regulatory authority;

(c) *Personnel records:*

- (1) The child care or before and after-school facility personnel records must be available for inspection by the regulatory authority at all times.
- (2) Personnel shall have a record of a tuberculosis (TB) examination performed within ten (10) working days of employment. A record of a tuberculin test or chest X-ray examination with insignificant findings signed by a physician will comply with this standard.
- (3) All child care or before and after-school facility staff shall have current cardio-pulmonary resuscitation (CPR) for infants and children and first aid certifications on file and available for inspection.
- (4) When children are present, persons whose behavior or health status endangers the health, safety, and wellbeing of the children must not be allowed in the child care or before and after-school facility. Child care or before and after-school facility staff, employees and/or drivers, family members, visitors, parents, or other persons with symptoms of contagious disease, a physical or mental condition that would be harmful to the children, or who appears to be intoxicated must not be allowed in the facility while children are present.
- (5) The child care or before and after-school facility director shall cause a criminal history check to be performed by the State of Texas Regulatory Agency for the owner, the director and for each employee. Copies of said request(s) shall be available for review by the regulatory authority. Until charges are dropped, no person with a conviction or who is under indictment for, or is the subject of an official criminal complaint that has been accepted by a county or district attorney alleging violation of any of the crimes listed in the state of Texas regulatory authority agency's minimum standard rules for licensed child care or before and after-school facility may be present while children are in care, unless it is determined by the state of Texas regulatory authority agency that the person does not pose a risk to the children in care. The regulatory authority shall be notified of any indictments or complaints within twenty-four (24) hours of awareness or by the next workday.

(d) *Fire/emergency:*

- (1) In case of danger from fire, the first responsibility shall be the evacuation of the children.
- (2) All child care or before and after-school facility shall have an annual fire inspection with a written report with the exception of child care centers located in a public school building that the fire marshal has approved for

public school use; however, a copy of the public school's fire inspection report must be available for review. Any corrections called for in the report shall be made.

- (3) The child care center shall have at least one (1) fire extinguisher approved by the fire marshal. The fire extinguisher shall be checked annually and serviced if required. These shall be located where readily available.
- (4) A fire evacuation, severe weather, and relocation plan shall be posted in each room used by the children in a child care or before and after-school facility and all staff members shall be instructed as to what to do in an emergency. Fire drills shall be held monthly and severe weather drills must be held quarterly at different times during the center's operation using these plans.
- (5) Fire drills at child care centers must be audited by the fire inspector at least once annually by the City of North Richland Hills Fire Department or as required and documentation of the audited fire drill must be kept on site.

(e) *Safety and Sanitation:*

- (1) The child care or before and after-school facility's buildings, grounds, and equipment shall be cleaned, repaired, and maintained to protect the health and safety of the children.
- (2) There shall be adequate light, ventilation, and heating in the facility.
- (3) Drinking water shall always be available to children. It shall be supplied in a safe and sanitary manner.
- (4) The temperature of any hot water available to the children shall be controlled by a thermostat at a minimum of one hundred (100) degrees Fahrenheit but no higher than one hundred twenty (120) degrees Fahrenheit so it cannot scald. Before and after-school program care that is provided in all independent school districts shall be exempt from this requirement.
- (5) Trash, litter, and debris shall be kept in containers with tight lids away from children's areas and removed daily to an approved dumpster.
- (6) Pesticide application. A child care or before and after-school facility shall be treated for pests as needed by an individual licensed by the State of Texas regulatory agency to prevent, control, or eliminate pest infestations at the child care or before and after-school facility.

- (7) Electric fans, window air conditioners, and heaters shall be mounted out of children's reach or have safeguards that keep children from being injured.
- (f) *Emergency phone numbers:*
- (1) In addition to the state of Texas regulatory authority emergency phone numbers, licensed child care or before and after-school facility centers shall include the City of North Richland Hills Neighborhood Services Department number.
 - (2) The telephone numbers of parents, any unique identification code or child tracking method, photographs of authorized persons that are able to pick children up, designated physicians, and staff members shall be in place accessible to the telephone and to all staff.
- (g) *Food service:*
- (1) Food service in child care facilities.

A child care facility in which food is prepared for human consumption shall comply with the pertinent food service regulations in article IV of this chapter. Employees preparing food for children shall be required to obtain North Richland Hills food handler cards and one staff member must have a certified food manager certificate as specified in article IV of this chapter.
 - (2) All other staff members that assist with food service and snacks must attend the child care class and obtain the child care card from the department of Neighborhood Services
 - (3) Child care center kitchens shall have a regular food service inspection at least twice annually with a written report. Child care kitchens that prepare food from a raw state shall have an increased number of food service inspections.
 - (4) The child care center shall maintain the grease trap as required by law. The grease trap manifest or trip ticket shall be kept at the child care center and must be available for inspection. Grease traps must be pumped no fewer than twice annually or as often as required by law.
 - (5) Food served at a child care facility that is not prepared onsite shall be from a source approved by the regulatory authority. A temperature log to record temperatures of food catered, received, or obtained outside of the child care facility is required to ensure food safety.

(h) *Use of facility and supervision:*

- (1) During the regular hours of operation of a child care or before and after-school facility, there shall not be more children at the facility than the state license allows or children of ages not approved by the state of Texas Department of Family and Protective Services.
- (2) If programs not subject to regulation use the same premises, the child care center or before and after-school program shall not use any space at the same time another program is using that space. The child care center shall not have an interrupted food schedule if a common kitchen is used.

(i) *Enrollment; records:*

- (1) The child care or before and after-school facility's enrollment records shall be accessible to the staff and available for inspection by the regulatory authority at all times.
- (2) An enrollment agreement shall be obtained for each child prior to admission, filed at the child care or before and after-school facility, and the director shall be responsible for assuring that the terms of the agreement related to items a. - g. below are met. The agreement signed by the parents shall contain:
 - a. Hours the child shall be in care. (Not to exceed twelve (12) hours except in an emergency.)
 - b. Notarized emergency medical authorization.
 - c. Any unique security code or child tracking method
 - d. A statement that the child will be released only to a parent or a person named by the parent.
 - e. In any instance when the persons listed above cannot pick up the child, the procedures described herein shall be followed.
 1. The parent or guardian shall phone the child care or before and after-school facility center, shall identify themselves by using any unique identification code, and shall designate who will pick the child up. The director or staff member shall check the child's enrollment record to verify the code number.

The person who picks up the child must identify themselves as follows:

- (i) Shall present photo identification.
 - (ii) Shall present the parent's unique security code or child tracking method
 - (iii) The unlisted person shall sign child out.
 - (iv) The director or staff member shall photograph the person before they leave the child care or before and after-school program facility or a copy must be made of the valid driver's license. The center must provide an operational camera to take necessary photographs.
- f. The procedure to release children to unlisted persons as required by the City of North Richland Hills shall be posted so that it is readily accessible to all staff.
- g. In the event that a child is found to be missing from a facility, the operator of the facility shall report such fact to the North Richland Hills Police Department and the City of North Richland Hills regulatory authority immediately.
 - (3) School-age children who leave the child-care center to go to classes and clubs shall have written permission from the parents. Parents shall specify the activity, time, and method of transportation.
 - (4) Photographs of the parents and other persons authorized to pick up the child shall be kept by the child care or before and after-school program facility.
 - (5) It shall be the responsibility of the parent who is granted custody of the child to provide the child care or before and after-school program facility with a copy of any custody decree or agreement should they request that the release authorization record be changed.
- (i) *Infant and preschooler care:*
 - (1) Refrigeration used for storing infant formulas and milk in the infant/toddler rooms shall be commercial grade. Child care centers that are presently using residential type refrigeration must upgrade to commercial refrigeration when the unit fails or if there is a change of ownership.

- (2) Caregivers shall use disposable, nonporous gloves when changing diapers, handling blood, vomit, or other bodily fluids that may contain blood and discard the gloves immediately after one (1) use. Staff hands shall be washed before and after each diaper change.
 - (3) Child care centers shall provide additional supplies (i.e., diapers, wipes, clothing) in case of emergencies for proper care of children.
- (j) *Evening and night care:*
 - (1) A child care center offering evening or night care shall comply with any applicable fire and safety requirements for this type of care.
 - (2) Children staying the night shall have the opportunity to bathe. When bathtubs or showers are used, preschool-age children shall be supervised. Privacy shall be ensured for school-age children. Tubs or showers shall be cleaned after each use. Children shall be provided fresh washcloths and towels.
 - (3) Sleeping equipment shall be appropriate to the age and size of each child. Each child in evening or night care shall be provided a bed or cot with clean linens, a mattress or pad, and a pillow with a washable protective covering.
- (k) *Transportation:*
 - (1) Any vehicle that is used to transport children shall have current automotive liability insurance and a current inspection and registration sticker. Each driver of a vehicle used to transport children must have a valid driver's license.
 - (2) All vehicles shall have a complete first aid kit, a properly charged and accessible fire extinguisher, notarized emergency medical authorizations, and a list of children being transported.

DIVISION 4. - INSPECTIONS.

Sec. 18-40. (a) Right of entry; inspection

- (1) The regulatory authority shall cause the child care or before and after-school program facility to be inspected not less than semiannually to ensure that the facilities, grounds and equipment are maintained in compliance with this article and in a safe and sanitary condition for the welfare of the occupants and patrons of the child care or before and after-school program facility and in compliance with the standards established by this Article. The regulatory authority shall have the right to enter the premises of any permitted facility or any facility for which a

permit has been suspended to determine whether the operator is complying with all requirements of this ordinance or order issued hereunder. Operators shall allow inspecting personnel immediate access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- (2) The regulatory authority shall cause reports of inspections to be kept on file in the department of neighborhood services and issued to the child care or before and after-school program facility along with appropriate directives to resolve deficiencies observed in the inspections. The regulatory authority shall have the authority to enforce the provisions of this article and to issue citations for violation of any of the requirements of this Article.

The regulatory authority may require re-inspection of premises and impose payment of re-inspection fees after any inspection finds deficiencies or violations.

- (3) Where an operator has security measures in force which require proper identification and clearance before entry into its premises, the operator shall make necessary arrangements so that upon presentation of suitable identification, the regulatory authority will be permitted to enter without delay for the purposes of inspecting the premises or the operation of the facility.
- (4) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected shall be promptly removed by the operator at the written or verbal request of the regulatory authority and shall not be replaced. The costs of clearing such access shall be borne by the permit holder.
- (5) Unreasonable delays in allowing the regulatory authority access to the operator's premises shall be a violation of this ordinance.

(a) Refusal of entry

Refusal of entry of the regulatory authority shall constitute grounds for suspension or revocation of a permit to operate under this Article.

DIVISION 5: - ENFORCEMENT

Sec. 18-41 Suspension and revocation.

(a) *Powers of the regulatory authority:*

- (1) The regulatory authority shall have the authority to regularly inspect or visit all child care and before and after-school programs embraced within the provisions of this article, whether permitted or unpermitted, at any and all times necessary to ascertain if child care or before and after-school

program operations are being conducted in conformity with this article or if any conditions exist therein which require correction.

- (2) The regulatory authority shall have the authority to give written notice, on the premises, to the operators of permitted or unpermitted child care centers and before and after-school program programs, pertaining to violation of and/or requirement to comply with the provisions of this article.
- (3) If unpermitted child care centers or before and after-school programs are found in operation, the regulatory authority shall have the authority to give written notice to the operator of said facility to cease child caring immediately.

(b) *Authority to suspend permit—Written notice required*

- (1) The regulatory authority shall have the authority after giving written notice to suspend any permit if it is determined that violations of immediate danger regarding construction of facility or on-premises buildings; toilet centers; sanitation; food preparation; storage and handling of chemicals or any harmful solution; lack of proper supervision; child neglect; staff/caregivers criminal history; potential for injury or death; infectious diseases; hazards with outdoor play areas; vehicles used to transport children; failure to pay required fees; and failure to comply with all fire, zoning, building, and health codes, at the child care or before and after-school program care facility.
- (2) The regulatory authority, in writing delivered to the address of the permit holder or by certified or registered mail, shall call to the attention of the permit holder the particulars and areas in which he/she or the child care or before and after-school program failed to comply with the provisions of this article, and shall specify a reasonable time, not to exceed thirty (30) days, for the permit holder to remedy said failure.
- (3) If the permit holder fails to comply with the provisions of this article within the time specified, said director shall give notice in writing to the operator, permit holder, manager, or other person(s) in control of said child care or before and after-school program that the permit issued for the operation of said child care or before and after-school program is revoked.
- (4) Suspension of the permit shall require the operator to cease all activities immediately and to bring the child care or before and after-school program facility into compliance with directives from the regulatory authority within a prescribed time period. Failure to rectify designated problems at the child care or before and after-school program facility shall lead to revocation of the permit.

(c) *Authority to revoke permit—Written notice required*

The regulatory authority may revoke a permit if the regulatory authority has reasonable cause to believe that:

- (1) Entry of the regulatory authority into a permitted facility has been denied or delayed.
- (2) A statement of fact contained in the application was false or materially misleading;
- (3) The permit holder has fails to comply with the requirements of (b)(2) hereof;
- (4) The permit holder has caused, suffered or permitted the commission of an aggravated violation of any provision of this article; or
- (5) The permit holder, the director, or a person in charge employed by the permit holder has repeatedly failed to comply with any provision of this article.

The regulatory authority shall provide notice of the revocation by personal service or by certified or registered mail, sent to the address provided on the permit holder's application.

(d) *Appeal—Notice required*

- (1) The notice of revocation or denial of a permit shall become a final revocation after the expiration of ten (10) days from the date of service upon the permit holder, operator, manager, or other person in charge of the child care or before and after-school program facility in question, unless on or before the expiration of ten (10) calendar days the permit holder shall file with the regulatory authority a written appeal signed by such permit holder addressed to the city manager setting out the basis for such appeal and in which it is requested that the city manager grant a hearing upon the questions of whether or not the permit shall be revoked.
- (2) Such appeal, if made and filed as prescribed in this section, shall not create any right to continue operation unless granted by the city manager until such hearing and adjudication.
- (3) The hearing shall be held after the date of filing of such appeal. The action and judgment of the city manager, after hearing all the evidence and facts, shall determine whether such revocation shall be final and shall notify the permit holder in writing by mail or by delivery to the permit holder of such determination.

- (4) The action of the city manager may be appealed to a district court if suit is filed within twenty days after the notice to the permit holder is delivered or mailed. Such appeal shall be based on a substantial evidence review.

(d) *Reissuance of revoked permit*

A permit that has been revoked shall not be reissued.

Sec. 18-42 Search warrant.

If the regulatory authority has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or to protect the overall public health, safety and welfare of the community, then the regulatory authority may seek issuance of a search warrant from the appropriate court.

Sec. 18-43 Penalty for violations; other remedies.

- (a) Any person, firm, or corporation who violates any provision of this article is guilty of a misdemeanor and upon conviction is punishable by a fine as provided in the Code of Ordinances of the City of North Richland Hills, or any amendment thereto or renumbering thereof, for violations of public health for each act of violation and for each day of violation.
- (b) Any person, firm, or corporation who obstructs, impedes, or interferes with a representative of the city, with a representative of a city department, or with surveillance or video or audio recording equipment utilized by the regulatory authority is guilty of a misdemeanor and upon conviction is punishable by a fine as provided in the Code of Ordinances of the City of North Richland Hills, or any amendment thereto or renumbering thereof, for violations of public health for each act of violation and for each day of violation.
- (c) In addition to proceeding under authority of subsections (a) and (b) of this section, the city is entitled to pursue all criminal and civil remedies to which it is entitled under authority of statutes or other ordinances against a person, firm, or corporation that remains in violation of this article."

Section 2: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or otherwise invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity 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 invalid phrase, clause, sentence, paragraph or section.

Section 3: Any person, firm or corporation violating any provision of this ordinance shall be deemed guilty of a misdemeanor and upon final conviction thereof fined in an amount not to exceed Five Hundred Dollars (\$500.00). Each day and any such violation shall be allowed to continue shall constitute a separate violation and punishable hereunder.

Section 4: The City Secretary is hereby authorized and directed to cause the publication of the descriptive caption and penalty clauses hereof.

AND IT IS SO ORDAINED.

PASSED AND APPROVED on the 8th day of August, 2011.

CITY OF NORTH RICHLAND HILLS

By: _____
Oscar Trevino, Mayor

ATTEST:

Patricia Hutson, City Secretary

APPROVED AS TO FORM AND LEGALITY:

George A. Staples, City Attorney

APPROVED AS TO CONTENT:

JoAnn Stout, Director of Neighborhood Services