

ORDINANCE NUMBER 20-03-1153

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, CONSENTING TO THE EXTENSION OF THE DECLARATION OF LOCAL DISASTER EXECUTED BY MAYOR SCOTT BRADLEY ON MARCH 18, 2020, UNTIL JUNE 22, 2020, AT 11:59 P.M. CENTRAL STANDARD TIME; AUTHORIZING THE MAYOR TO SET AND ENFORCE A MAXIMUM NUMBER OF ATTENDEES FOR ANY MASS GATHERING IN THE CITY LIMITS OF THE CITY OF MURPHY TO PREVENT OR LIMIT THE SPREAD OF COVID-19; AMENDING CHAPTER 1. "GENERAL PROVISIONS", ARTICLE 1.03. "EMERGENCY MANAGEMENT" TO ADD SECTION 1.03.002 "PENALTIES"; WAIVING CREDIT CARDS FEES; AMENDING ORDINANCE NUMBER 20-01-1149 POSTPONING THE MAY 2, 2020 ELECTION UNTIL THE NEXT UNIFORM ELECTION DAY TUESDAY, NOVEMBER 3, 2020; PROVIDING A PENALTY CLAUSE; PROVIDING A CUMULATIVE/ REPEALER CLAUSE; PROVIDING FOR PUBLICATION, AN EFFECTIVE DATE, PUBLICITY, AND FILING.

WHEREAS, the City of Murphy is a Home-Rule municipality acting pursuant to Chapter 9 of the Local Government Code; and

WHEREAS, in December 2019, a novel coronavirus, now designated COVID-19, was detected in Wuhan City, Hubei Province, China. Symptoms of COVID-19 include fever, cough, and shortness of breath. Outcomes have ranged from mild to severe illness, and in some cases death; and

WHEREAS, on March 13, 2020, Texas Governor Greg Abbot issued a proclamation declaring a state of disaster for all counties within the State of Texas in response to the spread of COVID-19; and

WHEREAS, extraordinary measures must be taken to contain COVID-19 and prevent its spread throughout the City of Murphy and Collin County, including the limitation of community gatherings to comply with the State of Texas Declaration for the number of ten (10) people and potentially requiring individuals, groups of individuals, or property to be subject to additional measures that prevent or control the spread of disease; and

WHEREAS, the Supreme Court of Texas and the Court of Criminal Appeals of Texas issued its Third Emergency Order Regarding the COVID-19 State of Disaster on March 19, 2020, providing "[c]ourts must not conduct non-essential proceeding in person contrary to local, state, or national directive, whichever is most restrictive, regarding maximum group size"; and

WHEREAS, on March 17, 2020, Mayor Scott Bradley executed a Proclamation Declaring a Local State of Disaster, on March 18, 2020, he executed a Declaration of Local Disaster for Public Health Emergency and on March 18, 2020, he executed a Declaration of Local Disaster for Public Health Emergency First Revision, for the City of Murphy pursuant to section 418.108(a) of the Texas Government Code; and

WHEREAS, in order to extend the Declaration of Local Disaster for a period longer than seven days, the City Council must consent to such an extension pursuant 418.108(b) of the Texas Government Code; and

WHEREAS, by majority vote, the City Council by this Ordinance has consented to such an extension of the declaration of local disaster until June 22, 2020, at 11:59 p.m. Central Standard Time; and

WHEREAS, due to possible closure of city facilities, during the time this City of Murphy's emergency order is in place, any fees assessed by the City for payments made using credit/debit cards for utility services (water, sewer, stormwater, trash, alarm permits) are hereby waived, but this does not apply to the actual utility charges themselves; and

WHEREAS, Collin County Elections Administrator has requested all cities in Collin County to postpone their respective May 2, 2020, Elections to the next uniform election date, on Tuesday, November 3, 2020; and

WHEREAS, this modification is made exclusively as a temporary response to an ongoing public health emergency and significant disruption to City of Murphy operations, it is not an accommodation of a disability as defined by the Americans with Disabilities Act of 1990.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS:

SECTION 1. Incorporation of Premises. That all of the above recitals are found to be true and correct and are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2. Extension of Declaration of Local Disaster. That, in accordance with Section 418.108(b) of the Texas Government Code, the City Council hereby consents to allow the Declaration of Local Disaster for Public Health Emergency First Revision to be extended until June 22, 2020, at 11:59 p.m. Central Standard Time with the following additional provisions:

A. County and State Declarations and Orders. That this declaration hereby adheres to, incorporates and enforces County Judge Chris Hill's disaster declaration for Collin County effective March 16, 2020, as amended, Order of the County Judge of Collin County signed and effective on March 24, 2020, as amended, Governor Greg Abbott's disaster proclamation on March 13, 2020, as amended, and the Governor's Executive orders of March 19, 2020, as amended.

B. Activation of the City Emergency Management Plan. Pursuant to Section 418.108(d) of the Texas Government Code, this declaration of a local state of disaster activates the City of Murphy emergency management plan and grants the Mayor the powers set forth in Section 3.05(2) of the Home Rule Charter and Article 1.03 of the City of Murphy Code of Ordinances; including the power to temporarily close City buildings, facilities, and certain uses thereof; to temporarily postpone all non-essential municipal court proceedings; to temporarily suspend all City utility shut-offs to residential customers affected by COVID-19; to postpone the May 2, 2020, General Election to the next uniform Election Day of November 3, 2020, and to prohibit all public and private Community Gatherings wherein to comply with the State of Texas Disaster Declaration for the number of people expected to be in attendance.

1. For purposes of this Ordinance, regarding a "Community Gathering", the City Council and the Planning and Zoning Commission of the City of Murphy and its necessary attendees shall be exempt from this restriction for scheduled public meetings, whether a regular, work session, special or emergency meeting.

For any gathering covered by this section., the Mayor of the City of Murphy strongly encourages compliance with the CDC Social Distancing Recommendations, including providing hand sanitizer and tissues and increasing cleaning of commonly and frequently touched services. In all such settings, the Mayor of the City of Murphy recommends following Social Distancing Recommendations, and personal hygiene measures, including providing hand sanitizer and facial tissues.

C. Protective Control Measures and Facilities. Pursuant to Section 122.006 of the Texas Health and Safety Code, the City of Murphy is authorized to adopt rules to protect the health of persons in the City of Murphy, including quarantine rules to protect its residents against communicable disease and provide for the establishment of quarantine stations, emergency hospitals, and other hospitals.

D. Closure of certain businesses. Effective March 24, 2020, at 11:59 p.m., all nail salons, beauty parlors and barber shops operating within the City are required to cease all activities at facilities located within the City, except minimum basic operations, which includes the minimum necessary activities to maintain the value of the business's inventory, ensure security, process payroll and employee benefits, or for related functions.

1. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences, except no services may be perform for customers at the employees or contractors' residences.

2. Businesses may continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e. working from home and/or remote working), except no services may be perform for customers at the employees or contractors' residences.

SECTION 3. Limit Attendees. The City Council of the City of Murphy hereby authorizes the Mayor, in an effort to help contain the potential spread of COVID-19 at mass gatherings, to limit the number of attendees at such events to comply with the State of Texas Disaster Declaration for the period effective March 24, 2020, through June 22, 2020, at 11:59 p.m.

SECTION 4. Additional Changes. This number may be adjusted by the Mayor in consultation with the City Emergency Management Coordinator, in response to changes in the spread of COVID-19. Any change shall be reported to the City Secretary for publicity and filing.

SECTION 5. Code Amendment. Chapter 1. "General Provisions", Article 1.03 "Emergency Management" is hereby amended by adding a section, to be numbered Section 1.03.002, which said section reads as follows:

Section 1.03.002. Penalties. Pursuant to Section 418.173 of the Texas Government Code, Peace officers, City of Murphy Code Department inspectors, and the Office of the Murphy Fire Marshall are hereby authorized to enforce any orders, rules, or ordinances during emergency management. A person who violates any emergency plan, order, rule or Ordinance enacted or adopted as part of the emergency management of an event shall be guilty of a misdemeanor violation punishable by a fine not to exceed \$1,000 or confinement in jail for a term not to exceed 180 days.

SECTION 6. Credit Card Fees. During the time this City of Murphy's emergency order is in place, any fees assessed by the City for payments made using credit/debit cards for utility services (water, sewer, stormwater, trash, alarm permits) are hereby waived, but this does not apply to the actual utility charges themselves.

SECTION 7. Election Postponement. Upon the recommendation of the Collin County Election Administrator, the May 2, 2020, General Election is to be postponed until the next uniform Election Date of Tuesday, November 3, 2020. Ordinance Number 20-01-1149 calling the General Election on May 2, 2020, is hereby amended to postpone such general election to November 3, 2020.

SECTION 8. Penalties. Any person, firm or corporation intentionally, knowingly or recklessly violating any term or provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be subject to a penalty of fine not to exceed the amount of One Thousand Dollars (\$1,000) for each offense. Every day a violation continues shall constitute a separate offense.

SECTION 9. Savings. That all rights and remedies of the City of Murphy are expressly saved as to any and all violations of the provisions of any Ordinances 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 10. Cumulative/Repealer Clause. This Ordinance shall be cumulative of all other Ordinances of the City of Murphy and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance or where expressly repealed hereby. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance.

SECTION 11. Severability Clause. If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

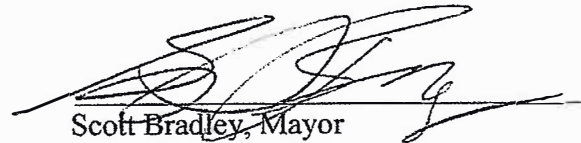
SECTION 12. Publication/Effective Date. This Ordinance shall take effect immediately from

and after its passage and the publication of the caption, as the law and City Charter in such cases provide.

SECTION 13. Publicity and Filing. Pursuant to Texas Government Code Section 418.108(c), Section 3.05(2) of the Home Rule Charter and Article 1.03 of the City of Murphy Code of Ordinances, this continuation of the declaration of a local state of disaster for public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Murphy, Texas, on this 24th day of March 2020.

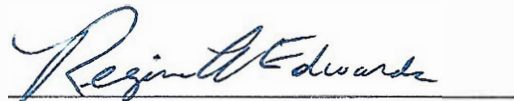



Scott Bradley, Mayor
City of Murphy, Texas

ATTEST:


Susie Quinn, City Secretary

APPROVED AS TO FORM:


for Wm. Andrew Messer, City Attorney