

**ORDINANCE NUMBER 20-04-1157**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, CONSENTING TO THE SUSPENSION OF PORTIONS OF SECTION 26.02.013. SPECIAL-PURPOSE SIGNS AND ONE-TIME EVENT SIGNS IN ACCORDANCE WITH THE DECLARATION OF LOCAL DISASTER EXECUTED BY MAYOR SCOTT BRADLEY ON MARCH 18, 2020, WHICH WAS EXTENDED BY COUNCIL UNTIL JUNE 22, 2020; PROVIDING A PENALTY CLAUSE; PROVIDING A CUMULATIVE/ REPEALER CLAUSE; PROVIDING FOR PUBLICATION, AN EFFECTIVE DATE, PUBLICITY, FILING AND CONFLICT PROVISION.**

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

**WHEREAS**, during March and April, 2020, Texas Governor Greg Abbot has issued proclamations and orders addressing a novel coronavirus, now designated COVID-19; and

**WHEREAS**, during March, 2020, Mayor Scott Bradley executed a Proclamation Declaring a Local State of Disaster with revisions for the City of Murphy pursuant to Section 418.108(a) of the Texas Government Code; and

**WHEREAS**, by majority vote, on March 24 and 30, 2020 the City Council voted to extend the Declaration of Local Disaster to June 22, 2020 at 11:59 p.m. by adoption of Ordinance 20-03-1153 and Ordinance 20-03-1154; and

**WHEREAS**, due to partial closure of certain businesses during this time until June 22, 2020, the council wishes to suspend certain sign regulations in order for businesses to be able to better inform the public of their temporary businesses practices, and any fees normally assessed by the City for such signs shall be waived in order to assist such businesses; and

**WHEREAS**, this modification is made exclusively as a temporary response to an ongoing public health emergency and significant disruption to businesses in the City of Murphy.

**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. Suspension of Certain Sign Regulations and Fees.** That, in accordance with Section 418.108(b) of the Texas Government Code and Article 1.03 of the City of Murphy Code of Ordinances, the City Council hereby consents to allow the temporary suspension of portions of Section 26.02.013, Special-Purpose Signs and One-Time Event Signs, of the Murphy Code of Ordinances, as follows:

- A. A maximum of four (4) special purpose signs shall be allowed per business in accordance with the following restrictions:

1. Temporary special purpose signs include: banners, feather flags not to exceed fifteen (15) feet, and one-time event signs. One time event signs shall not exceed four (4) square feet in area or three (3) feet in height.
  2. All such signs shall be located on private property.
  3. No sign may obstruct visibility along roadways, at intersections or in parking lots.
  4. These temporary sign regulations will be available to any commercial business with a physical store location in Murphy.
  5. City sign permits are required for such signs; however no permit fees will be charged for temporary signs meeting the above allowed criteria.
- B. Heavier than air inflatables are not part of this suspension. Inflatables shall follow the standard requirements of the Murphy Sign Ordinance.
- C. Signs mounted on skids, trailers or wheels, and signs with moving parts are prohibited.
- D. Any person who erects a sign in violation of this Ordinance; any person who is in care or control of private property for which a sign is placed in violation of this Ordinance; or any company or person that receives a benefit from a sign posted in violation of this Ordinance may be deemed guilty of a misdemeanor each day the sign remains in violation of this Ordinance.
- E. In addition to the issuance of citations, any sign posted in violation of this Ordinance may be impounded by the city. Signs may be claimed from city hall upon payment of a one-time administrative fee, in the amount prescribed by the fee schedule located in Appendix A **Section A9.007 Sign permits** of the City Code. Any sign not claimed within seven days of impoundment will be discarded.
- F. These temporary sign regulations shall be extended until June 22, 2020, at 11:59 p.m. Central Standard Time or until the expiration of the City's Ordinance 20-03-1154.

**SECTION 3. 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 4. 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 5. 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 6. 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 7. 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.

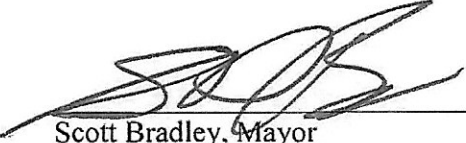
**SECTION 8. Publicity and Filing.** Pursuant to Texas Government Code Section 418.108(c), Section 3.05(2) of the Home Rule Charter and Article 1.03 of the City of Murphy Code of Ordinances, this addition to the Declaration of a local state of disaster for public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary.

**SECTION 9. Conflict Provision.** All provisions of the Code of Ordinances of the City of Murphy, codified or uncodified, in conflict with the provisions of this Ordinance are hereby temporarily superseded by this Ordinance for the duration of the dates specified herein.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Murphy, Texas, on this 21st day of April, 2020.


ATTEST:



  
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Scott Bradley, Mayor  
City of Murphy, Texas

  
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Susie Quinn, City Secretary

APPROVED AS TO FORM:

*for*   
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Wm. Andrew Messer, City Attorney