

ORDINANCE NUMBER 20-05-1158

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, AMENDING ORDINANCES 20-03-1153 AND 20-03-1154, CONTINUING THE MAYOR'S DECLARATION OF LOCAL DISASTER UNTIL JUNE 22, 2020, AT 11:59 P.M. CENTRAL STANDARD TIME WITH ADDITIONAL PROVISIONS AND MODIFICATION OF PRIOR PROVISIONS; WAIVING CREDIT CARD FEES; 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, 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, 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, on March 24, 2020, the City Council consented to an extension of the declaration of local disaster until June 22, 2020, at 11:59 p.m. Central Standard Time by adoption of Ordinance 20-03-1153; Council also adopted Ordinance 20-03-1154 on March 30, 2020 and Ordinance 20-04-1157 (which addressed signs) on April 21, 2020 to help abate the public health threat; and at this time the City Council has concluded after evaluation of the community spread of COVID-19 and upon review of updated guidance and orders from the CDC, Texas Department of State Health Services, the Governor of Texas, Collin County Judge and Commissioners and others that it is necessary to amended Ordinance 20-03-1153 and Ordinance 20-03-1154 as set forth herein in the best interest of the citizens of Murphy; 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, 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 and Article 1.03 of the City of Murphy Code of Ordinances, 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 and amendments to Ordinance 20-03-1153 and Ordinance 20-03-1154:

A. County and State Declarations and Orders. That this declaration hereby adheres to, incorporates, enacts and enforces the regulations and recommendations set forth in County Judge Chris Hill’s disaster declaration for Collin County effective March 16, 2020, as it exists or may be amended in the future (“as amended”), Order of the County Judge of Collin County signed and effective on March 24, 2020, as amended, Order of the County Judge of Collin County signed and effective on March 29, 2020, as amended, Governor Greg Abbott’s disaster proclamation on March 13, 2020, as amended, and numerous Executive Orders issued by Governor Abbott during March, April and May, 2020, as amended, including GA-23, adopted May 18, 2020, which supersedes Executive Orders GA-21 and GA-22, but does not supersede Executive Orders GA-10, GA-13, GA-17, GA-19, or GA-20. GA-23 shall remain in effect and in full force until 11:59 p.m. on June 3, 2020, unless it is modified, amended, rescinded, or superseded by the Governor.

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 or to the next available Election Day as set by the Governor or Court Order; and to prohibit all public and private Community Gatherings wherein to comply with the State of Texas Disaster Declaration, as amended, for the number of people expected to be in attendance.

1. For purposes of this Ordinance, any posted City meetings, including the City Council and the Planning and Zoning Commission of the City of Murphy, are open to the public in limited capacity in accordance with CDC guidelines including social distancing and temperature checks. Such meetings may be adjusted by the Mayor in consultation with the City Manager and 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. Public comments may be submitted electronically as noted on the posted agendas of city meetings.

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. Reopening of “Covered Services”. In accordance with Executive Order GA-23, as amended, all “Covered Services” operating within the City are required to follow Governor Abbott’s Orders, as amended, and guidelines regarding all activities and related functions at facilities located within the City. In accordance with the Guidelines from the President and the CDC, people shall not visit nursing homes, state supported living centers, assisted living facilities, or longterm care facilities unless to provide critical assistance as determined through guidance from the Texas Health and Human Services Commission (HHSC). Nursing homes, state supported living centers, assisted living facilities, and long-term care facilities should follow infection control policies and practices set forth by the HHSC, including minimizing the movement of staff between facilities whenever possible.

E. Social Distancing. The intent of this Ordinance is to ensure that the maximum number of people self-isolate in their places of residence to the maximum extent feasible, while enabling “Covered Services” (as defined by GA-23, as amended) to continue in accordance with the “total listed occupancy” (as defined by GA-23, as amended) limits, to slow the spread of COVID-19. Outdoor areas, events, facilities and establishments are not controlled by “total listed occupancy” limits, but shall at all times comply with the Texas Department of State Health Services and CDC’s Social Distancing guidelines and per the Governor’s Orders, as amended. All provisions of this Ordinance should be interpreted to effectuate this intent and the City Manager or his designee is given authority to interpret and implement as necessary to effectuate said intent. Failure to comply with any provisions of this Ordinance constitutes an imminent threat to the public health.

F. Size Limitations.

1. All public or private gatherings of any number of people occurring outside a single household or living unit shall comply with Governor’s Orders, Texas Department of State Health Services guidelines and CDC guidelines, as amended. Nothing in this Ordinance prohibits the gathering of members of a household or living unit at their residence.

2. Religious and worship services may only be provided in accordance with the joint guidance issued and updated by the Texas Governor and the Texas Attorney General.

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 Governor’s Orders, Texas Department of State Health Services guidelines and CDC guidelines, as amended.

SECTION 4. Additional Changes. This number of attendees in Section 3 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. This Section will prevail over Section 2(F) above.

SECTION 5. 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 6. Election Postponement. Provisions in Ordinance No. 20-03-1154 regarding elections is not amended and is still in effect postponing the municipal election until the next uniform Election Date of Tuesday, November 3, 2020 or to the next available Election Day as set by the Governor or Court Order.

SECTION 7. City Workforce and Funds. The City Council hereby finds that while in a state of disaster, there is a compelling public purpose in maintaining the City workforce and ensuring continuity in staffing while continuing the City's services while also recognizing that certain facilities and/or operations may need to be temporarily closed or suspended and/or certain personnel may encounter disaster-related events that prevent them from working at full capacity intermittently during the public health emergency. The City Council hereby authorizes the City Manager to make any staffing and compensation-related decisions necessary to meet the objectives stated herein, and all expenditures shall conform to the requirements of the laws of the state as required by Section 2.03.036 of the Code of Ordinances during public emergencies.

SECTION 8. Purchase of Goods or Services. The City Council hereby finds that for the duration of this disaster declaration, immediate procurement may be necessary to preserve and protect public health and safety. Accordingly, the City Council hereby authorizes the City Manager to purchase goods or services as necessary, and all expenditures shall conform to the requirements of the laws of the state as required by Section 2.03.036 of the Code of Ordinances during public emergencies.

SECTION 9. 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 10. 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 11. Cumulative/Repealer Clause. Ordinances No. 20-03-1153, 20-03-1154 and 20-04-1157 shall remain in full force and effect, save and except as amended by this or any other ordinance. 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 12. 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.

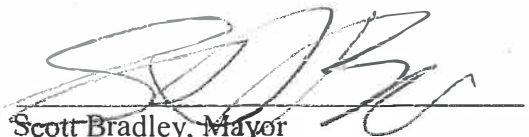
SECTION 13. Publication/Effective Date. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and City Charter in such cases provide.

SECTION 14. 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.

SECTION 15. 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 26th day of May 2020.

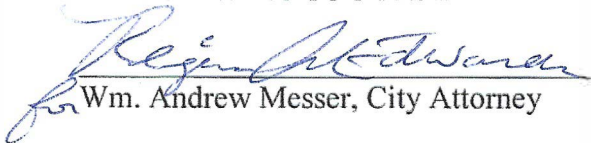



Scott Bradley, Mayor
City of Murphy, Texas

ATTEST:


Susie Quinn, City Secretary

APPROVED AS TO FORM:


Wm. Andrew Messer, City Attorney