

ORDINANCE NUMBER 20-09-1176

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, AMENDING ORDINANCES 20-03-1153, 20-03-1154, 20-05-1158, 20-06-1163, 20-07-1166 AND 20-08-1171. CONTINUING THE MAYOR'S DECLARATION OF LOCAL DISASTER UNTIL OCTOBER 20, 2020, AT 11:59 P.M. CENTRAL STANDARD TIME; ADOPTING REINSTATED SECTIONS REGARDING SUSPENSION OF CERTAIN SIGN REGULATIONS AND 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 to section 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, Ordinance 20-04-1157 (which addressed signs) on April 21, 2020, Ordinance 20-05-1158 on May 26, 2020, Ordinance 20-06-1163 on June 16, 2020, Ordinance 20-07-1166 on July 21, 2020, and Ordinance 20-08-1171 on August 18, 2020, which extended the declaration of local disaster to September 15, 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 extend the declaration of local disaster, as set forth herein in the best interest of the citizens of Murphy; 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 and Amendment of Ordinances 20-03-1153, 20-03-1154, 20-05-1158, 20-06-1163, 20-07-1166 and 20-08-1171. 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 October 20, 2020, at 11:59 p.m. Central Standard Time with the following amendment to Ordinances 20-03-1153, 20-03-1154, 20-05-1158, 20-06-1163, 20-07-1166, 20-08-1171.

SECTION 3. 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 in height, 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 October 20, 2020, at 11:59 p.m. Central Standard Time or until the expiration of the extensions/amendments of City's Ordinance 20-03-1154, whichever occurs later.

SECTION 4. 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. However, regarding a violation for not wearing a face covering in accordance with Texas Governor's Executive Order No. GA-29, following a verbal or written warning for a first-time violator of this face covering requirement, a person's second violation shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250). Each subsequent violation shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250) per violation. Every day a violation continues shall constitute a separate offense.

SECTION 5. 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 6. Cumulative/Repealer Clause. Ordinances No. 20-03-1153, 20-03-1154, 20-04-1157, 20-05-1158, 20-06-1163 and 20-08-1171 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 7. 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 8. 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 9. 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 10. 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 15th day of September, 2020.





Scott Bradley, Mayor
City of Murphy, Texas

ATTEST:



Susie Quinn, City Secretary

APPROVED AS TO FORM:



FOR Wm. Andrew Messer, City Attorney