

ORDINANCE NUMBER 18-10-1106

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY BY REPEALING SUBSECTION 16.03.003(C), “MEETINGS”, OF SECTION 16.03.003, “TREE PRESERVATION BOARD”, OF ARTICLE 16.03, “TREE CARE PROGRAM”, OF CHAPTER 16, “PUBLIC WAYS AND PLACES”, AND ADOPTING A NEW SUBSECTION 16.03.003(C), “MEETINGS” OF ARTICLE 16.03 TO ESTABLISHING THE MINIMUM NUMBER OF REQUIRED MEETINGS OF THE TREE BOARD; PROVIDING FOR THE INCORPORATION OF FINDINGS; PROVIDING AN AMENDMENT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CUMULATIVE REPEALER CLAUSE; AND PROVIDING AN EFFECT DATE.

WHEREAS, the City Council of the City of Murphy previously adopted Section 16.03.003, “Tree Preservation Board”, of Article 16.03 “Tree Care Program”, of Chapter 16, “Public Ways and Public Places”, of the City of Murphy Code of Ordinances providing for a Tree Preservation Board and establishing certain requirements for the Board; and

WHEREAS, City staff has reviewed subsection 16.03.003(c), “Meetings” which requires that the Tree Board meet a minimum of six (6) times per year, and based upon past need for meetings to be held by the Board, City Staff recommended that the minimum number of annual meetings be reduced from six (6) to three (3) per year, with other meetings held as determined necessary; and

WHEREAS, the City Council, after reviewing the recommendation of Staff, finds and determines that the minimum number of Tree Board meetings held annually should be reduced from six (6) to three (3), and further finds that Subsection 16.03.003 (c) “Meetings” of Article 16.03 of Chapter 16 should be repealed and a new Subsection 16.03.003(c), “Meetings” that provides for a minimum of three (3) meetings annually, with other meetings held as necessary, should be adopted and serves the best interests of the citizens of the City of Murphy.

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

Section 1. FINDINGS INCORPORATED. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2. AMENDMENT. That Subsection 16.03.003 (c), “Meetings” of Section 16.03.003, “Tree Preservation Board” of Article 16.03, “Tree Care Program” of Chapter 16, “Public Ways and Public Places” of the Code of Ordinances of the City of Murphy, Texas, is hereby repealed and a new Subsection 16.03.003(c), “Meetings” is hereby adopted and shall be read in its entirety as follows with all other sections and subsections not expressly amended hereby to remain in full force and effect:

Section 16.03.003. Tree Preservation Board

...

“(c) Meetings. The Parks and Recreation Board shall meet in its capacity as the Tree Preservation Board a minimum of three (3) times each year. All meetings shall be open to

the public in accordance with the law. The board chairman may schedule additional meetings as needed.”

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Section 3. SEVERABILITY CLAUSE. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality 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 of this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 4. CUMULATIVE REPEALER CLAUSE. This Ordinance shall be cumulative of all other ordinances of the City except where the provisions of this ordinance are in directly conflict. Any provision(s) of any prior ordinance of the City whether codified or uncodified, which are in conflict with any provision of this Ordinance, is hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City whether codified or uncodified, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section 5. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Murphy, Texas, on this the 16th day of October, 2018.






Scott Bradley, Mayor
City of Murphy

ATTEST:



Susie Quinn, City Secretary
City of Murphy

APPROVED AS TO FORM:



for Wm Andrew Messer, City Attorney