

**ORDINANCE NUMBER 20-03-1154**

**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 WITH ADDITIONAL PROVISIONS; 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", 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 OR UNTIL ANOTHER DATE IS SET; 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**, 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, 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, and at this time the City Council consents to the extension with amendments to that Ordinance as listed herein; 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 or until another date is set; 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:

**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 on March 19, 2020, and the Governor's Executive orders of March 19, and 29, 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 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 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.

**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 performed for customers or non-relatives 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 performed for customers or non-relatives at the employees' or contractors' residences.

**E. Judge's Order.** As clarified on March 29, 2020 to be effective March 29, 2020, by Collin County the following citizens are required to Stay in Place and others are to take these measures:

1. Any person who is sick or currently experiencing common COVID-19 symptoms, including fever, cough, or shortness of breath, is hereby ordered to stay home;

2. If any person in a household has tested positive for COVID-19, all persons in the household are hereby ordered to stay home;

3. Any person who believes he or she is at higher risk for severe illness and who believes he or she may be compromised from exposure to COVID-19 is hereby order to stay home;

4. All persons in Collin County are hereby ordered to stay home, except for travel related to essential activities;

5. All businesses and employers are hereby ordered to take actions necessary to prevent the spread of COVID-19, to increase social distancing in the normal course of business activities, and to provide for a safe and healthy work environment; and

6. All persons are hereby ordered to take actions necessary to prevent the spread of COVID-19 and to increase social distancing in the normal course of business activities.

**F. 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 essential services to continue, to slow the spread of COVID-19. When people need to leave their places of residences, whether to obtain or perform essential functions or activities, or to otherwise facilitate herein authorized activities, they should at all times comply with Social Distancing Requirements as defined in Subsection 4 herein. 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.

1. To the greatest extent possible, all essential businesses shall comply with the Social Distancing Guidelines herein, including maintaining six foot social distancing for both employees and the general public.

2. To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably possible maintain social distancing of at least six feet from any other person when they are outside their residence.

3. Social Distancing Requirements includes maintaining at least a six-foot social distance from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands. Social distancing requirements shall be complied with, to the extent possible, by persons engaging in essential business operations, essential government functions, essential activities, and essential travel.

4. Outdoor Activity with Social Distancing. To engage in outdoor activity, individuals must comply with social distancing requirements of six feet (for example, walking, biking, hiking, or running).

**G. Size Limitations.**

1. All public or private gatherings of any number of people occurring outside a single household or living unit are limited to ten (10) people or less, except as otherwise provided herein. 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 by video and teleconference. Religious institutions must limit in-person staff to ten (10) people or less when preparing for or conducting video or teleconference services, and all individuals must follow the Social Distancing Guidelines including the six foot social distancing.

**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. If this number of people is limited below ten (10) people or less at a mass gathering by a county or state entity, this Section will prevail over Section 2(F) above.

**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. Code Amendment.** Chapter 1. “General Provisions”, Article 1.03 “Emergency Management” is hereby amended by amending Section 1.03.002, which said section shall read as follows:

**Section 1.03.002. Penalties.** Any violation by any person, firm, association or corporation of the provisions or terms of an emergency management plan, executive order, proclamation, declaration, rule, or ordinance issued under Article 1.03 shall be a Class C misdemeanor offense and shall be subject to a fine not to exceed one thousand dollars (\$1,000.00) in accordance with Section 1.01.009 of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense. Peace officers, City of Murphy Code Department inspectors, and the Office of the Murphy Fire Marshall are hereby authorized to enforce any declarations, proclamations, orders, rules, or ordinances during emergency management.

**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 or to the next available Election Day as set by the Governor or Court Order. Ordinance Number 20-01-1149 calling the General Election on May 2, 2020 and Ordinance 20-03-1153 are hereby amended to postpone such general election to November 3, 2020 or to the next available Election Day as set by the Governor or Court Order.

**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.

**SECTION 14. 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 30th day of March 2020.


ATTEST:



  
Scott Bradley, Mayor  
City of Murphy, Texas

  
Susie Quinn, City Secretary

APPROVED AS TO FORM:

  
for Wm. Andrew Messer, City Attorney