

IN THE CITY OF GULFPORT
FIRST JUDICIAL DISTRICT OF HARRISON COUNTY
STATE OF MISSISSIPPI

COVID-19 EXECUTIVE ORDER NO. 7

**EMERGENCY MAYORAL PROCLAMATION OF
EXECUTIVE ORDER REGARDING THE OUTBREAK OF COVID-19
IN THE CITY OF GULFPORT, MISSISSIPPI FOLLOWING
ISSUANCE OF THE GOVERNOR'S EXECUTIVE ORDER NO. 1478**

WHEREAS, in accordance with authority vested in me by Mississippi Law, including, but not limited to, Miss. Code Ann. § 45-17-1, et seq. and Miss. Code Ann. § 33-15-17, et seq., as amended, and in the public interest of the City of Gulfport, and to safeguard and protect the health, safety, and welfare of the public and for the protection of life and property, I declared a state of emergency on March 14, 2020, and issued an “Emergency Proclamation of Executive Order” on March 20, 2020, in an effort to combat the spread of the COVID-19 virus in the City of Gulfport, and such Emergency Proclamation has been followed by the issuance of several additional “Emergency Proclamation of Executive Orders” since that time, including a “Safer-at-Home” Order (“COVID-19 Executive Order No. 2”) issued on March 31, 2020; and

WHEREAS, in accordance with the Mississippi’s “Emergency Management Act” (Miss. Code Ann. §§ 33-15-1, et seq.), and following the issuance of a State-wide declaration of emergency and the date of my first Emergency Mayoral Proclamation, the Governor of the State of Mississippi has since issued multiple State-wide “Executive Orders” applicable to municipalities and their residents, including “Executive Order No. 1466” issued on April 1, 2020, as a “Shelter in Place” Order in effect for the State of Mississippi; and

WHEREAS, the Governor’s Executive Order No. 1466 previously stated and recognized that, with limited restriction, local governments, such as the City of Gulfport, may adopt and issue orders, rules, regulations, and resolutions and take actions “that are more strict” than those set out in Executive Order No. 1466, and, also, that the Supplement to Executive Order No. 1463, which was issued by the Governor on March 26, 2020, stated that no local government in the State “shall adopt any measures that are less restrictive” than the provisions set out therein; and

WHEREAS, in view of the fact that the Governor’s Executive Order No. 1466 instituted further restrictions in place with respect to the ongoing pandemic than were set out in my prior Emergency Proclamations of Executive Orders relating to the growing outbreak of this disease, including the issuance of a more restrictive “Shelter in Place” Order, I issued “COVID-19 Executive Order No. 3” on April 3, 2020, as a means of supplementing the Executive Orders I previously issued on March 20, 2020, and on March 31, 2020; and

WHEREAS, on April 17, 2020, the Governor issued Executive Order No. 1473, wherein he extended his prior “Shelter in Place” Order through 8:00 a.m. on April 27, 2020, along with

some modifications concerning prior restrictions, and later on April 17, 2020, I issued “COVID-19 Executive Order No. 4” that modified my prior Executive Orders concerning continued efforts to combat the spread of COVID-19 in the City of Gulfport, and which included the limited opening of the City’s beach, modified recreational boating use, and retail sales involving non-essential businesses limited to drive-thru, curbside, and/or delivery services; and .

WHEREAS, on April 24, 2020, the Governor issued Executive Order No. 1477, wherein he replaced his “Shelter in Place” Order restrictions (Executive Order No. 1466) with those as part of a “Safer-at-Home” approach to address the virus outbreak; and

WHEREAS, the Governor in Executive Order No. 1477 again recognized that, with limited restriction, local governments, such as the City of Gulfport, may adopt orders, rules, regulations, resolutions, actions that are “more strict” than established in Executive Order No. 1477; and

WHEREAS, later on April 24, 2020, and in response to the Governor’s Executive Order No. 1477, I issued “COVID-19 Executive Order No. 5,” which adopted and incorporated the Governor’s “Safer-at-Home” Order (Executive Order No. 1477) issued earlier that date with the lone exceptions being that all retail businesses shall adopt reasonable measures to prevent the spread of COVID-19, including, but not limited to, limiting the number of customers in their stores to no greater than twenty (20%) of their permitted occupancy limit at any one time, along with other restrictions, and the continuation of a City-wide curfew from 11:00 p.m. to 5:00 a.m., which such curfew has since been discontinued and canceled in my “COVID-19 Executive Order No. 6” issued on May 1, 2020; and

WHEREAS, the Mississippi Department of Health (“MDOH”) data demonstrates that the virus still remains in our area to impact our population and that while its growth may show signs of slowing, it is clear that prudent measures should continue to be pursued as part of a comprehensive approach to thwart pervasive spread; and

WHEREAS, on May 4, 2020, the Governor issued Executive Order No. 1478, which now reconfigures prior restrictions issued as part of his “Safer-at-Home” Order (No. 1477), and, in response to this Executive Order No. 1478 and in recognition of the findings set out therein as well as the rationale for ongoing efforts to combat the spread of COVID-19, which I find are still needed and required in the City, I find that there is need for issuance of a further Emergency Mayoral Proclamation to preserve and protect life, property, and good order as well as to safeguard and protect the health, safety, and welfare of the public; and

WHEREAS, I further find that the restrictions set forth in my prior Emergency Proclamations of Executive Order and those set out herein do not prevent any “Essential Business” from operating at such level necessary to provide essential services and functions during the current and ongoing state of emergency associated with the COVID-19 outbreak but are needed and necessary to preserve and protect life, property, and good order as well as to safeguard and protect the health, safety, and welfare of the public.

THEREFORE, pursuant to the authority vested in me by Mississippi Law, including, but not limited to, Miss. Code Ann. § 45-17-1, et seq. and Miss. Code Ann. § 33-15-17, et seq.,

as amended, and in the public interest of the City of Gulfport, and to safeguard and protect the health, safety, and welfare of the public and for the protection and preservation of life and property and good order, I do hereby issue this Emergency Mayoral Proclamation of Executive Order (also referred to as “Proclamation”) as set out herein.

IT IS HEREBY ORDERED, that “Executive Order No. 1478” issued by the Governor of the State of Mississippi on May 4, 2020, is hereby adopted and incorporated as my “Emergency Mayoral Proclamation of Executive Order” for the City of Gulfport and shall take effect at 8:00 a.m. on Thursday, May 7, 2020, unless specifically in conflict with any of the following provisions herein. It is further,

ORDERED, that, for purposes of clarity, the “COVID-19 Executive Order No. 5” that I signed and issued on April 24, 2020, and which limited all retail businesses to no greater than twenty percent (20%) of their permitted occupancy limit at any one time, shall now be amended as follows:

It is **ORDERED** that *all retail businesses* shall adopt reasonable measures to prevent the spread of COVID-19, including, but not limited to, limiting the number of customers in their stores to *no greater than fifty percent (50%) of their permitted occupancy limit at any one time* (with this calculation not including employees in the count) and instituting reasonable and adequate measures to comply with this limitation to in-store retail sales (e.g., use of an employee to keep count of customers entering and exiting the stores to ensure that fifty percent (50%) of the occupancy limit is not exceeded, etc.), all in order to ensure compliance with social distancing protocols, as well as frequent cleaning of high-contact surfaces (e.g., retail counters, door handles, shopping carts, credit card machines, etc.). All other requirements and reasonable measures required of such businesses or applicable to them in the Governor’s Executive Order No. 1477 shall remain in place.

It is further,

ORDERED that Paragraph “d(ii)” on page 6 in the “COVID-19 Executive Order No. 3” that I signed and issued on April 3, 2020, and which suspended operations of restaurants, bars, and dining establishments located in the City with the sole exception for the provision of take-out, curbside pick-up, delivery, or drive through services, shall now be amended to adopt and incorporate the Governor’s Executive Order No. 1478, which states that *all restaurants and bars* may resume in-house (indoor or outdoor) dining (food services only) subject to the various limitations and conditions set forth in this Executive Order No. 1478 from and after 8:00 a.m. on Thursday, May 7, 2020. These establishments may continue to provide take-out, curbside pick-up, delivery, or drive-through services as allowed by law. It is further,

ORDERED that this same “COVID-19 Executive Order No. 3” that I issued on April 3, 2020, and which also closed all public parks with the exception of walking and hiking trails, sidewalks, paths, and boardwalks for individual outdoor recreation under various conditions, shall now be further amended to read as follows:

It is **ORDERED** that commencing at 9:00 a.m. on Thursday, May 7, 2020, *all public parks* in the City, in view of the Governor's Executive Order No. 1478, shall now be open *for recreational outdoor activities* from 9:00 a.m. to 7:00 p.m. each day they are otherwise open pursuant to regular City operations, provided that all persons visiting the same shall properly adhere to "social distancing" in accordance with regulations / guidelines issued by the Centers for Disease Control and Prevention ("CDC") and the MDOH (i.e., maintaining a minimum distance of six (6) feet from others), limit group gatherings/activities to a maximum of twenty (20) participants outdoors, and adhere to all other regulations/guidelines issued by the CDC and the MDOH, whichever is strictest and not in conflict with what is expressly stated herein, including engaging in regular and proper hand-washing and personal hygiene (e.g., using hand sanitizers that minimally contain 70% alcohol or washing hands with soap in excess of twenty (20) seconds).

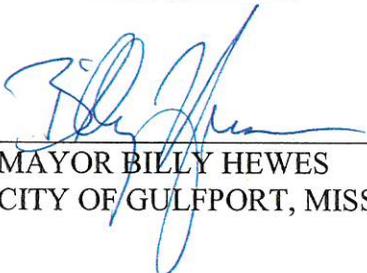
It is further,

ORDERED that this Proclamation of Executive Order shall be: (1) filed with the City Clerk; (2) distributed to the news media and other organizations reasonably calculated to bring its contents to the attention of the general public; and (3) distributed to others as necessary to ensure proper implementation of this Proclamation of Executive Order. It is further,

ORDERED that violations of this Proclamation of Executive Order may be subject to misdemeanor prosecution in accordance with, including, but not limited to, Miss. Code Ann. § 45-17-9, as amended, § 7-19 of the City's Code of Ordinances, and, to the extent applicable, Miss. Code Ann. § 33-15-43, as amended, as well as other state laws and provisions in the City's Code of Ordinances. It is further,

ORDERED that, except for what is otherwise set out herein, this Emergency Mayoral Proclamation of Executive Order shall be, and hereby is, effective at 8:00 a.m. on Thursday, May 7, 2020, and shall remain in effect until amended, rescinded, or superseded by another applicable Mayoral Proclamation or Executive Order or the termination of the current (and ongoing) State of Emergency related to this pandemic issued by the City of Gulfport, whichever shall occur first.

THIS, the 5th day of May, 2020, at 4:56 p.m.


MAYOR BILLY HEWES
CITY OF GULFPORT, MISSISSIPPI

ATTEST:


GERARD BELLOCQ
CITY CLERK
CITY OF GULFPORT, MISSISSIPPI