

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

COVID-19 EXECUTIVE ORDER NO. 3

**EMERGENCY MAYORAL PROCLAMATION OF
EXECUTIVE ORDER REGARDING SUPPLEMENTAL EFFORTS
TO COMBAT THE SPREAD OF COVID-19 IN THE CITY OF
GULFPORT, MISSISSIPPI FOLLOWING ISSUANCE OF THE
GOVERNOR’S “SHELTER IN PLACE” ORDER**

WHEREAS, 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 of life and property, on March 31, 2020, I issued “COVID-19 Executive Order No. 2,” entitled “Emergency Mayoral Proclamation Regarding Additional Efforts to Further Combat the Spread of COVID-19 in the City of Gulfport, Mississippi, Including the Establishment of a Temporary Mandatory Curfew and Issuance of a ‘Safer-at-Home’ Order,” which became effective at 11:59 p.m. on Tuesday, March 31, 2020; and

WHEREAS, in accordance with the Mississippi’s “Emergency Management Act” (Miss. Code Ann. §§ 33-15-1, et seq.), the Governor of the State of Mississippi issued “Executive Order No. 1466” late in the afternoon on April 1, 2020, and which is to be effective at 5:00 p.m. on Friday, April 3, 2020; and

WHEREAS, the Governor’s Executive Order No. 1466 expressly states and recognizes 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, states 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 institutes further restrictions in place with respect to the current pandemic than were set out in my prior Emergency Proclamations of Executive Orders relating to the growing outbreak of this disease, including now the issuance of a more restrictive “Shelter in Place” Order, there is therefore a need to issue this “COVID-19 Executive Order No. 3” as a means of supplementing the Executive Orders I previously issued on March 20, 2020, and on March 31, 2020; and

WHEREAS, I further find that the restrictions set forth in the prior Emergency Proclamations of Executive Order issued by me on March 20, 2020, (“COVID-19 Executive Order No. 1”) and on March 31, 2020, (“COVID-19 Executive Order No. 2”) 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 all provisions of the “Emergency Mayoral Proclamation of Executive Order” issued by me on March 20, 2020, (referred to as “COVID-19 Executive Order No. 1”) and the Emergency Mayoral Proclamation of Executive Order” issued by me on March 31, 2020, (referred to as “COVID-19 Executive Order No. 2”) not expressly in conflict with the provisions of this additional Proclamation herein shall remain in full force and effect. It is further,

ORDERED that *all public parks* in the City, in view of the Governor’s Executive Order No. 1466, shall now be closed effective at 5:00 p.m. on Friday, April 3, 2020, with the sole exception being that walking and hiking trails, sidewalks, paths, and boardwalks shall remain open on a limited basis for purposes of individual outdoor recreation (e.g., walking, running, bicycling, walking pets, and the like) for those persons properly adhering to the most recent regulations or guidelines issued by the Centers for Disease Control and Prevention (“CDC”), the Mississippi Department of Health (“MDOH”), or the President of the United States with respect to prevention and protection against the spread of the COVID-19 virus, whichever is strictest, including, but not limited to, social distancing requirements (e.g., minimally staying at least six (6) feet away from others) and guidelines or guidance on restrictions of gathering of persons (e.g., avoiding groups in excess of ten (10) persons) and 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). This closing of public parks includes all playground structures / equipment, pavilions, basketball courts, tennis courts, restroom facilities, picnic tables, benches, grills, and splash pad areas located within these parks. It is further,

ORDERED that *all golf courses* in the City, in view of the Governor’s Executive Order No. 1466, shall presently be permitted to be open only for individual outdoor recreational use so long as proprietors of the same do the following:

- i. offer and/or provide customers hand sanitizer or similar type disinfectant for personal, human use;
- ii. disinfect and sanitize common areas on a regular basis, including, but not limited to, golf carts for use by patrons; and
- iii. actively pursue all available precautions to ensure adherence to the most recent regulations or guidelines issued by the CDC, the MDOH, or the President of the United States with respect to prevention and protection against the spread of this virus, whichever is strictest, including, but not limited to, social distancing requirements (e.g., minimally staying at least six (6) feet away from others) and guidelines or guidance on restrictions of

gathering of persons (e.g., avoiding groups in excess of ten (10) persons) and 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).

This limited opening and use of golf courses shall mean that only one person may ride in and use a golf cart and that only *individual play* be permitted.

ORDERED that, in view of the Governor's Executive Order No. 1466, *the City's beach area* located near the southern end of 20th Avenue between Moses Pier and Urie Pier shall now be closed effective at 5:00 p.m. on Friday, April 3, 2020. It is further,

ORDERED that, in view of the Governor's Executive Order No. 1466, *all piers* in the City shall remain open on a limited basis for purposes of individual outdoor recreation (e.g., fishing, walking, and the like) for those persons properly adhering to the most recent regulations or guidelines issued by the CDC, the MDOH, or the President of the United States with respect to prevention and protection against the spread of this virus, whichever is strictest, including, but not limited to, social distancing requirements (e.g., minimally staying at least six (6) feet away from others) and guidelines or guidance on restrictions of gathering of persons (e.g., avoiding groups in excess of ten (10) persons) and 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, in view of the Governor's Executive Order No. 1466, *recreational boating* is permitted only to the extent that the same is for purposes of outdoor recreation and users thereof must comply with the most recent regulations or guidelines issued by the CDC, the MDOH, or the President of the United States with respect to prevention and protection against the spread of this virus, whichever is strictest, including, but not limited to, social distancing requirements (e.g., minimally staying at least six (6) feet away from others) and guidelines or guidance on restrictions of gathering of persons (e.g., avoiding groups in excess of ten (10) persons) and 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). Accordingly, at this time, boat launches in the City shall remain open only for the limited purpose of such recreational use as set out herein. It is further,

ORDERED that the fifth and last paragraph on page four (4) of the Emergency Proclamation of Executive Order ("COVID-19 Executive Order No. 2") issued on March 31, 2020, is hereby completely replaced with and superseded by the following, which shall be effective as of 5:00 p.m. on Friday, April 3, 2020:

It is **ORDERED** that retail stores that are "Essential Businesses" and located in buildings or structures in excess of 20,000 square feet in size must limit customer access to their places of business to no more than ten percent (10 %) of their permitted occupancy limit at any one time (with this calculation not including employees in the count). It is further,

ORDERED that retail home improvement centers or stores, which are "Essential Businesses" and located in buildings or structures in excess of 100,000 square feet in

size, must limit customer access to their places of business to no more than fifteen percent (15 %) of their permitted occupancy limit at any one time (with this calculation not including employees in the count). It is further,

ORDERED that plasma centers or stores, to the extent that they are “Essential Businesses” and located in buildings or structures in excess of 10,000 square feet in size, must limit customer access to their places of business to no more than ten percent (10 %) of their permitted occupancy limit at any one time (with this calculation not including employees in the count). It is further,

ORDERED that *all such “Essential Businesses” set forth or described in the immediately preceding three (3) paragraphs shall additionally:*

- i. offer and/or provide customers hand sanitizer or similar type disinfectant for personal, human use;
- ii. disinfect and sanitize common areas on a regular basis, including, but not limited to, shopping carts and baskets provided to or available for customers; and
- iii. actively pursue all available precautions to ensure adherence to the most recent regulations or guidelines issued by the CDC, the MDOH, or the President of the United States with respect to prevention and protection against the spread of this virus, whichever is strictest, including, but not limited to, social distancing requirements (e.g., minimally staying at least six (6) feet away from others) and guidelines or guidance on restrictions of gathering of persons (e.g., avoiding groups in excess of ten (10) persons) and 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 as set forth in the Governor’s Executive Order No. 1466, which now institutes “Shelter in Place,” the “Safer-at-Home” order contained in the Emergency Proclamation (“COVID-19 Executive Order No. 2”) issued on March 31, 2020, and contained on pages five (5) through seven (7) of this March 31 Emergency Proclamation shall be, and hereby is, replaced with and superseded by the following in order to achieve conformity with the more restrictive provisions of the Governor’s Order, and which shall be effective as of 5:00 p.m. on Friday, April 3, 2020:

It is therefore ORDERED as follows:

a. Non-essential Business and Operations Cease

- i. In accordance with Executive Order No. 1466 issued by the Governor on April 1, 2020, all businesses and non-profit entities operating within the City of Gulfport, except for “Essential Businesses or Operations” as identified and described herein, shall cease operation

- and all activities except “Minimum Operations,” as defined in the following sub-paragraph.
- ii. “Minimum Operations” are those activities necessary for the business or operation (“non-essential businesses”) to maintain the condition of facilities, premises and equipment, value of business inventory, payroll, employee benefits, security, and to facilitate employees of the business or operation to continue to work remotely from their residences.
 - iii. While the foregoing is stricter than what was previously set out in the “Emergency Proclamation of Executive Order” (“COVID-19 Executive Order No. 2”) issued on March 31, 2020, (in paragraph “1.” on page 5 thereof), any employees associated with “Minimum Operations” shall still adhere to the most recent regulations or guidelines issued by the CDC, the MDOH, or the President, whichever shall be the strictest, regarding the prevention and protection against the spread of the COVID-19 virus, including, but not limited to, social distancing requirements (e.g., minimally staying at least six (6) feet away from others) and guidelines or guidance on restrictions of gathering of persons (e.g., avoiding groups in excess of ten (10) persons) and 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).

b. Essential Business or Operations Remain Open

- i. ***Except as provided below in Paragraph “d.” herein***, “Essential Businesses or Operations” is understood to mean and be defined as set out in the Governor’s Executive Order No. 1463, as supplemented, and in his Executive Order No. 1466. Such “Essential Businesses or Operations” may continue to remain open to provide essential services and functions within the parameters of and consistent with regulations established in prior Emergency Proclamations (“COVID-19 Executive Order No. 1” issued on March 20, 2020, and “COVID-19 Executive Order No. 2” issued on March 31, 2020) as well as herein.
- ii. As an example of such parameters and regulations, these establishments shall take all steps reasonably necessary to adhere to the most recent regulations or guidelines issued by the CDC, the MDOH, or the President, whichever shall be the strictest, regarding the prevention and protection against the spread of this virus, including, but not limited to, social distancing requirements (e.g., minimally staying at least six (6) feet away from others) and guidelines or guidance on restrictions of gathering of persons (e.g., avoiding groups in excess of ten (10) persons) and 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).

- c. *Essential Activities:*** In an effort to be consistent with the Governor’s Executive Order No. 1466, individuals in the City of Gulfport may leave their residences or households only to perform the following “Essential Activities”:¹
- i. To engage in activities or perform tasks necessary for their health and safety, or the health and safety of their family or household members (including pets) or the health and safety of those persons who are unable to or should not leave their residence (e.g., pharmacy deliveries or pick up, etc.).
 - ii. To obtain necessary food, services or supplies for themselves or members of their household needed to maintain the safety, sanitation, or essential operation of the home or residence, or to deliver those services or goods to those persons who are unable to or should not leave their home or residence.
 - iii. To engage in individual outdoor activity or recreation.
 - iv. To perform work providing essential products and services at “Essential Businesses or Operations” (as defined and understood now herein) or to carry out activities permitted in this Proclamation, including “Minimum Operations,” as defined and described herein.
- d. *Prohibited and Restricted Activities.*** Activities and operations previously prohibited or restricted by prior Emergency Mayoral Proclamations (“COVID-19 Executive Order No. 1” and “COVID-19 Executive Order No. 2” or the instant Proclamation herein) shall continue to be so restricted and prohibited. The following is provided as a non-exhaustive list of such prohibited and restricted activities:
- i. All businesses and establishments that do not explicitly fall within the scope of “Essential Businesses or Operations” and whose very nature requires contact of less than six (6) feet, including, but not limited to, personal care and grooming businesses, tattoo parlors, spas, exercise studios, massage parlors, fitness centers and facilities, health clubs, nail salons, barber shops, cross training gyms, beauty parlors and salons, gyms, and other similar businesses located in the City of Gulfport, shall continue to remain closed.
 - ii. All restaurants, bars, and dining establishments located in the City of Gulfport shall continue to remain closed, with the only exception being that these businesses may provide take-out, curbside pick-up, delivery, or drive-through services as allowed by law. To the extent there is any ambiguity, these businesses shall not provide any in-house, on-premise, or dine-in services or available sitting areas for the public, regardless of whether inside or outside of a structure or building.

¹The Governor’s Executive Order No. 1466 states that the terms “home” and “residence” include single family homes, hotels, rental units, shelters, mobile home parks, and similar facilities used as an individual’s principal dwelling.

- iii. The maximum room occupancy for all transient public lodging establishments within the City of Gulfport, which is understood and defined herein to mean and include hotels, motels, short-term rentals, and similar type businesses and operations that provide temporary lodging by way of temporary rental of rooms, mobile or immobile units, structures, enclosed spaces, or any other lodging areas or improvements shall temporarily not exceed the bed capacity of the room or facility. For example, if a room that is rented has two (2) beds, its maximum room occupancy shall temporarily be limited to two (2) persons – i.e., one (1) person per bed.
- iv. Certain businesses and other similar type establishments having a large customer/client base, such as retail stores, plasma centers, home improvement stores, and comparable and like businesses still in operation must continue to limit customer access to their places of businesses as set out elsewhere in the instant Proclamation as well as satisfy the additional regulations contained herein.
- v. Consistent with prior Emergency Mayoral Proclamations (“COVID-19 Executive Order No. 1” and “COVID-19 Executive Order NO. 2”), all public and private social and other non-essential gatherings in groups of more than ten (10) people in a single space at the same time where individuals are in close proximity (less than six (6) feet) to each other shall continue to be canceled or rescheduled (and temporarily prohibited), including, but not limited to, community, civic, public, leisure, and sporting events, parades, concerts, festivals, banquets, conventions, large parties, artistic performances, and, to the extent allowed by state and federal law, spiritual and faith-based gatherings.

It is further,

ORDERED, that *the City-wide curfew* instituted on page eight (8) of the “Emergency Proclamation of Executive Order” (“COVID-19 Executive Order No. 2”) issued on March 31, 2020), *shall continue and remain in effect* as set forth in “Executive Order No. 2” from 11:00 p.m. to 5:00 a.m. each day of the week until further notice or modification or rescission of the same and with the same exceptions and conditions identified and set forth in “Executive Order No. 2.” It is further,

ORDERED, that this Proclamation of Executive Order does not alter any of the obligations under law of an employer affected by this Proclamation, or the ones issued on March 20, 2020, and on March 31, 2020, to its employees or to the employees of another employer. It is further,


ORDERED that this Proclamation of Executive Order is herein being issued to the extent allowed by state and federal law and the United States Constitution. 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 5:00 p.m. on Friday, April 3, 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 3RD day of April, 2020, at 3:00 p.m.



MAYOR BILLY HEWES
CITY OF GULFPORT, MISSISSIPPI

ATTEST:



GERARD BELLOCQ
CITY CLERK
CITY OF GULFPORT, MISSISSIPPI

