

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

COVID-19 EXECUTIVE ORDER NO. 5

**EMERGENCY MAYORAL PROCLAMATION OF
EXECUTIVE ORDER REGARDING NECESSARY EFFORTS
TO COMBAT THE SPREAD OF COVID-19 IN THE CITY OF
GULFPORT, MISSISSIPPI FOLLOWING ISSUANCE OF THE
GOVERNOR’S “SAFER-AT-HOME” EXECUTIVE ORDER NO. 1477**

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 issued “COVID-19 Executive Order No. 2” on March 31, 2020, 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” in the afternoon on April 1, 2020, and which became effective at 5:00 p.m. on Friday, April 3, 2020, wherein he placed 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, the Mississippi Department of Health (“MDOH”) reports that there have been over 5,400 reported cases of COVID-19 in the State of Mississippi as of April 23, 2020, with 209 related deaths, and Harrison County, wherein the City of Gulfport is located, has had 157 such cases and six (6) deaths associated with the disease through April 23; and

WHEREAS, data shows that the virus still remains in our area to affect and impact our population and that while its growth may show signs of slowing in certain reaches of our State (in terms of a possible “flattening” of the curve of reported cases), it is clear that persistent and prudent measures must continue to be pursued as part of a comprehensive and cautious approach to thwart pervasive growth and spread, with such efforts to include “safe sales” practices by retailers within the City; and

WHEREAS, earlier today Mississippi’s Governor recognized such a general trend on the State-wide level when he issued Executive Order No. 1477, wherein the Governor replaced his “Shelter in Place” Order restrictions (Executive Order No. 1466) and now refers to current restrictions as part of a “Safer-at-Home” approach to address the virus outbreak and where the Governor encourages all individuals in Mississippi to stay at home or in their place of residence when not engaged in “Essential Activities” or “Essential Travel” as defined in Executive Order No. 1477; and

WHEREAS, the Governor in Executive Order No. 1477 again recognizes 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, while reported cases of the COVID-19 virus exceed 26,000 in the neighboring State of Louisiana, with over 1,600 deaths having been reported, and Orleans Parish alone, which is an hour’s drive of the City of Gulfport, having confirmed cases in more than 6,200 patients and 392 deaths, the Mayor of New Orleans has extended her stay-at-home Order for the City of New Orleans until May 16, 2020; and

WHEREAS, the COVID-19 outbreak and the effects of its extreme risk of person-to-person transmission throughout the Mississippi Gulf Coast and nearby region continue to significantly threaten the health, safety, and security of the citizens of the City of Gulfport; and

WHEREAS, as part of what I have found to be a continued need to address COVID-19 in the City of Gulfport, and in response to the Governor’s Executive Order No. 1477 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 of Gulfport, 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 the “Safer-at-Home” Order issued this date by the Governor in his Executive Order No. 1477 is hereby adopted and incorporated as my “Emergency Mayoral Proclamation of Executive Order” for the City of Gulfport and to take effect at 8:00 a.m. on Monday, April 27, 2020, with the lone exception of this adoption and incorporation being that the following shall replace the first sentence in Paragraph I(h)(iii) in this Executive Order No. 1477 for purposes of this “Emergency Mayoral Proclamation of Executive Order”:

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 twenty percent (20%) 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 twenty percent (20%) 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 *the City-wide curfew* instituted previously on page eight (8) of the “Emergency Proclamation of Executive Order” (“COVID-19 Executive Order No. 2”) issued on March 31, 2020) and renewed in COVID-19 Executive Order No. 3 and COVID-19 Executive Order No. 4 and supplements thereto, *shall continue and remain in effect* as set forth in these

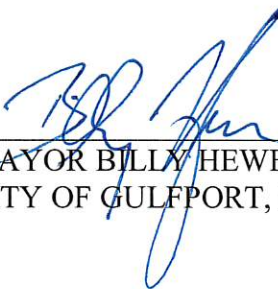
prior Executive Orders from 11:00 p.m. to 5:00 a.m. each day of the week until further notice or modification or rescission of the same and with the same exceptions and conditions identified and set forth in "Executive Order No. 2," such continuance effective as of 5:00 p.m. on April 24, 2020. It is 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 and the curfew referenced herein, this Emergency Mayoral Proclamation of Executive Order shall be, and hereby is, effective at 8:00 a.m. on Monday, April 27, 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 24th day of April, 2020, at 5:00 p.m.



MAYOR BILLY HEWES
CITY OF GULFPORT, MISSISSIPPI

ATTEST:



GERARD BELLOCCO
CITY CLERK
CITY OF GULFPORT, MISSISSIPPI