

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

COVID-19 EXECUTIVE ORDER NO. 13

**EMERGENCY MAYORAL PROCLAMATION OF EXECUTIVE ORDER
REGARDING CONTINUING EFFORTS TO COMBAT THE COVID-19
OUTBREAK IN THE CITY OF GULFPORT, MISSISSIPPI**

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 was followed by the issuance of numerous additional “Emergency Proclamation of Executive Orders,” including a “Safer-at-Home” Order (“COVID-19 Executive Order No. 2”) issued on March 31, 2020; and

WHEREAS, pursuant to 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 previously 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, “Executive Order No. 1477” issued on April 24, 2020, as part of his “Safer-at-Home” effort for the State, and “Executive Order No. 1492” issued on May 28, 2020, in conjunction with his “Safe Return” Order, and “Executive Order No. 1525” issued on September 30, 2020, in conjunction with his “Safe Recovery” Order; and

WHEREAS, in response to a noted sharp decline in COVID-19 infections and resulting hospitalizations and the State-wide roll out of vaccinations that followed, the Governor issued Executive Order No. 1549 on March 2, 2021, which rescinded and repealed Executive Order Nos. 1535 and 1536 (and their amendments) effective at 5:00 p.m. on Wednesday, March 3, 2021, and which eased most of the former public health measures contained in prior Executive Orders issued by the Governor in response to the COVID-19 pandemic; and

WHEREAS, on March 3, 2021, and in response to the Governor’s Executive Order No. 1549, the undersigned authority, for and on behalf of the City of Gulfport, issued an Emergency Proclamation of Executive Order (“COVID-19 Executive Order No. 11”) that, among other things, required face coverings for persons inside City buildings and facilities; and

WHEREAS, on April 30, 2021, the Governor issued Executive Order No. 1551, which, among other things, rescinded and repealed the Governor's prior Executive Order No. 1549, as amended and extended by his Executive Order No. 1550, and wherein the Governor no longer required facial coverings with respect to any building, facility or activity in the State, with the exception of persons inside school buildings or classrooms for the remainder of the 2020-2021 academic year; and

WHEREAS, following the Governor's Executive Order No. 1551, and after the numbers of reported infections in Harrison County, Mississippi continued to sharply decline, "Emergency Mayoral Proclamation of Executive Order" was issued on May 3, 2021, wherein it was noted that members of the public were no longer required at that time to wear a face covering inside a City building or indoor facility, though all persons were encouraged to follow the CDC's and Mississippi's guidelines to prevent the spread of COVID-19; and

WHEREAS, in the past several weeks especially, there has been a sharp increase in reported COVID-19 infections in Harrison County, with such cases nearly tripling the number of reported infections previously recorded in April, May, and early June 2021, and with the numbers of reported cases of variants of this virus similarly significantly increasing in our area; and

WHEREAS, the Governor expressly noted in his Executive Order No. 1551 that nothing therein limited or altered the authority of local authorities from adopting orders or actions that are stricter than set out therein; and

WHEREAS, in view of the sharp increase of reported COVID-19 infections and resulting hospitalizations in the area in the past several weeks, I find there is a need for an 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 with respect to what is set forth herein; and

WHEREAS, I further find that facial coverings should be required to be used inside City buildings and facilities as a means of preserving and protecting 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 those conditions, restrictions, regulations, and requirements issued previously by the Governor of the State of Mississippi, and which presently still have application to residents and visitors of the City of Gulfport, are hereby adopted and incorporated as those of my "Emergency Mayoral Proclamation of Executive Order" for the City

of Gulfport and shall, if not already in effect, take effect as of **5:00 p.m. on Monday, August 2, 2021**, unless specifically in conflict with any of the following provisions herein. It is further,

ORDERED, that unless otherwise excepted herein, *all members of the public shall wear a face covering any time they enter a City building or indoor facility* in the City of Gulfport. It is further,

ORDERED, that face coverings inside City buildings and indoor City facilities are *not required* for:

1. Persons engaged in an indoor exercising or sports activity (and who are adhering to applicable social distancing requirements);
2. Persons who cannot wear a face covering due to a medical or behavioral condition, who have trouble breathing or are incapacitated, or whose healthcare professional has recommended that a face covering not be worn;
3. Persons when eating or drinking;
4. Persons in a building or engaged in an activity that utilizes or requires security surveillance or screening, and only during such times when these persons are under security surveillance or screening;
5. Individual offices and those small offices (offices with fewer than ten (10) employees) where the public does not interact with employees (all of which involve employees who work alone in separate office spaces or in work places where six (6) or more feet of social distancing may be consistently maintained);
6. Persons whose religious beliefs prevent them from wearing a face covering;
7. Persons seeking to communicate with someone who is hearing-impaired in a way that requires the mouth to be visible;
8. Persons giving a speech, presentation, or performance for a broadcast or to an audience, including at official public meetings;
9. Persons who would be at risk from wearing a face covering at work, as determined by local, State, or Federal regulations or workplace safety guidelines;
10. Children under the age of six (6) (**NOTE** that parents and guardians shall be responsible for ensuring proper use of face coverings by children six (6) years of age and older and must ensure that face coverings do not pose a choking hazard and can be safely worn without obstructing a child's ability to breathe. Parents and guardians shall further exercise sound judgment and avoid bringing children not wearing face coverings into public places, especially where contact with vulnerable individuals is expected.); and

11. Other settings when it is not practical or feasible to wear a face covering.

It is further,

ORDERED, that regardless of any exceptions set out herein, *a person must wear a face covering when required by a health officer or otherwise required by any local, State, or Federal law or Executive Order of the Governor of the State of Mississippi.* It is further,

ORDERED, that “*face covering*,” as used in this Emergency Mayoral Proclamation, must simultaneously cover both a person’s mouth and nose but otherwise does not have to be a particular type and can be and include a bandana, scarf, or home-made mask. A “face covering” is considered a device to impede the spread of saliva or other fluids during speaking, coughing, sneezing, or other intentional or involuntary action. It can be made of cloth, fabric, or other permeable material but shall not have holes. Re-useable face coverings should be washed or cleaned frequently and ideally washed/cleaned after each use. A covering that hides or obscures the wearer’s eyes or forehead is not a “face covering.” The “face covering” should be comfortable so that the wearer can breathe comfortably through the nose and so that the wearer does not have to adjust the covering frequently, so as to avoid touching the face. It is further,

ORDERED, that nothing in this Emergency Mayoral Proclamation shall prevent a business or business operation or service from adopting or implementing more restrictive policies or requirements in terms of face coverings or other measures to contain and prevent the spread and transmission of the COVID-19 virus. It is further,

ORDERED, that face coverings are meant to protect the public from the spread of the COVID-19 virus. They are not a substitute for other evidence-based measures to prevent the spread of this virus. Face coverings should therefore be used *in addition to*, but not in place of, other evidence-based measures, such as social distancing, frequent hand washing practices, avoiding the touching of eyes, nose, and mouth, and avoiding any interactions if sick. 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 while 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, citations under this Order regarding the lack of properly wearing a face covering when otherwise required shall be written to those who fail to wear “Face Coverings” after first being warned to do so and either refusing to do so or refusing to immediately leave the premises after such warning.


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 Monday, August 2, 2021**, 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 August, 2021, at 5:00 p.m.



MAYOR BILLY HEWES
CITY OF GULFPORT, MISSISSIPPI

ATTEST:



DEPUTY CITY CLERK
CITY OF GULFPORT, MISSISSIPPI