

**SECOND EMERGENCY MAYORAL PROCLAMATION OF
EXECUTIVE ORDER REGARDING ADDITIONAL EFFORTS
TO FURTHER COMBAT THE SPREAD OF COVID-19
IN THE CITY OF BAY ST. LOUIS, MISSISSIPPI, INCLUDING THE
ESTABLISHMENT OF A TEMPORARY MANDATORY CURFEW
AND ISSUANCE OF A “SAFER-AT-HOME” ORDER**

WHEREAS, on March 16, 2020, as Mayor of the City of Bay St. Louis, Mississippi and pursuant to Miss. Code Ann. § 45-17-3, et seq. and Miss. Code Ann. § 33-15-17, et seq., the Mayor of Bay St. Louis issued a “Proclamation of Existence of a Local Emergency,” which was ratified by the Bay St. Louis City Council on March 21, 2020; and

WHEREAS, within the span of a week and by March 19, 2020, the Mississippi Department of Health (“MDOH”) reported that there were in excess of 70 confirmed cases of persons infected with COVID-19 in the State of Mississippi, and which number is now (as of March 31, 2020) presently in excess of 937 with 20 deaths, 16 of which are reported cases in Hancock County, Mississippi, where the City of Bay St. Louis is located; and

WHEREAS, COVID-19 is a new strain of coronavirus that previously had not been identified in humans, and this disease can result in severe illness or death, is highly contagious, and can be easily transmitted from person to person and by attaching to surfaces for prolonged periods of time; and

WHEREAS, heretofore Federal, State, and Local Authorities have continually impressed upon the public the importance of heeding the guidance of the Centers for Disease Control and Prevention (“CDC”), state departments of health, and the United States President concerning steps necessary to stop the proliferation of this outbreak, one of the most significant of which is the need to create “social distance” from others in all places, including in the public; and

WHEREAS, the scientific evidence shows that it is essential to slow virus transmission as much as possible to safeguard lives and to protect the ability of public and private health care providers to handle the influx of new patients and that one proven way to slow the transmission of the virus is to limit interactions among people to the greatest extent possible; and

WHEREAS, as a means of attempting to combat the prolific spread of this disease in the City of Bay St. Louis, “Emergency Mayoral Proclamation of Executive Order” was issued on March 21, 2020, which expanded on the earlier “Proclamation of Existence of a Local Emergency” by temporarily closing entrances to the City’s buildings and facilities, as well as prohibiting gatherings of more than ten (10) people and which also temporarily closed various establishments; and

WHEREAS, the outbreak of COVID-19 is continuing to grow and is now infiltrating more areas in close proximity to the City of Bay St. Louis; and

WHEREAS, as an example, the State of Louisiana presently has over 4,000 reported cases of the COVID-19 virus and 185 related deaths, and the rate; that the City of New Orleans,

which is located within an hour's drive of the City of Bay St. Louis, is reported as having more than 1,400 of Louisiana's 4,000 plus confirmed cases of the COVID-19 virus to date, which number largely grew in the span of the past two (2) or so weeks; and that in response to the significant rise in reported coronavirus cases in the City of New Orleans, the Mayor there recently issued a "stay at home mandate" to citizens, and the Governor of the State of Louisiana on March 22, 2020, issued an Executive Order requiring residents of Louisiana to restrict travel and to stay home; and

WHEREAS, the nationwide outbreak of COVID-19 and the effects of its extreme risk of person-to-person transmission throughout the country and region, including the Mississippi Gulf Coast, continue to significantly threaten the health, safety, and security of the citizens of the City of Bay St. Louis; and

WHEREAS, since issuance of the May 20, 2020, "Emergency Mayoral Proclamation of Executive Order," reported cases of the coronavirus in Hancock County, Mississippi have increased and, according to the MDOH, reported cases of the disease in the State of Mississippi have significantly risen from a little more than 80 on March 19, 2020, to more than 200 as of March 22, 2020, and now to over 937 on March 31, 2020; and

WHEREAS, in continued recognition of the need to restrict the ability of this virus to spread, the Governors from several nearby States, including now Florida and Texas, have issued Executive Orders which require persons traveling from certain areas to self-quarantine for a minimum of fourteen (14) days or the length of their stay, whichever is shorter, as additional measures to combat this pandemic; and there are a number of cities and States that have now issued orders that have generally been referred to as "stay-at-home" or "shelter-in-place," the common theme of which is to require people to remain home except for those affiliated with the provision or receipt of "essential services"; and

WHEREAS, the extraordinary threat posed by COVID-19 has resulted in critical shortages of health care equipment, personal protective equipment, and possible shortages of hospital beds, throughout the region, and without additional means and measures to slow the spread of this disease in our region, health care facilities in our community are at a significant risk of being overwhelmed and which may lead to some who contract the virus requiring in-hospital treatment but not being able to receive the same; and

WHEREAS, consistent with guidance from the CDC and the MDOH, as well as after consultation with MDOH officials and local physicians, including one specializing in infectious diseases, it is clear that further courses of action and measures are necessary to protect and safeguard the health, safety, and welfare of those residing in the City of Bay St. Louis, to mitigate the impact of this disease, and to combat and disrupt the spread of the virus; and

WHEREAS, unbelievably in the midst of this increasing pandemic, there are numerous businesses, establishments, and individuals in the City of Bay St. Louis who have selfishly refused to comply with the guidelines of the CDC and the President of the United States as well as have violated the Proclamation of Executive Order issued on March 21, 2020; and

WHEREAS, in addition, there are certain non-essential businesses whose very nature require 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, nail salons,

barber shops, cross training gyms, fitness facilities, beauty parlors, and gyms, and it is my determination that any guidance regarding social distancing while still operating such businesses is impractical, if not impossible, and, if such businesses are permitted to continue, these would contribute to the spread of this disease and expose our citizens to this emergent threat to public health and safety; and

WHEREAS, the Mayor of Bay St. Louis is statutorily empowered through Miss. Code Ann. § 45-17-5 to order and issue a general curfew applicable to the City as deemed advisable and applicable during hours of the day or night as found necessary in the interest of the public safety and welfare and is further empowered through Miss. Code Ann. § 45-17-7 to issue such orders as are necessary for the protection of life and property; and, further, the Mayor is statutorily authorized pursuant to Miss. Code Ann. § 33-15-17 to, among other things, control and restrict egress, ingress and movement within and about the City to the degree necessary to facilitate the protection of life and property; and

WHEREAS, in a continuing effort to encourage civic responsibility, to prevent and combat the spread of this virus, and in an effort to curtail the growth and spread of coronavirus, authorities across the country have taken and are continuing to take and pursue extraordinary measures to limit and preclude close personal contact in communities through the issuance of orders and enactment of legislation; and such extraordinary measures related to attempting to thwart the spread of this disease continue to be necessary and needed in promotion and preservation of the public health, safety, welfare, and good order to protect public peace and save and preserve lives; and

WHEREAS, in addition to the temporary closure of certain establishments ordered because of this emergency in the “Emergency Mayoral Proclamation of Executive Order” issued on March 21, 2020, certain additional businesses and establishments need to be temporarily closed to the public during this emergency; movement of citizens and visitors not associated with “Essential Businesses,” as defined and understood herein, is in need of temporary restriction by way of imposition of a curfew and restriction of movement; and it is further imperative that all residents in our City, when they are not engaged in services or operations associated with “Essential Businesses,” should limit movements outside of their homes beyond essential needs; and

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 Bay St. Louis, and to safeguard and protect the health, safety, and welfare of the public and for the protection of life and property, I do hereby issue this Second 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 21, 2020, 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 non-essential businesses 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 Bay St. Louis shall close and suspend operations, effective Wednesday, April 1, 2020, at 11:59 p.m. It is further,

ORDERED that all restaurants, bars, and dining establishments located in the City of Bay St. Louis 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, or on public or private land, of a structure or building. It is further,

ORDERED that the maximum room occupancy for all transient public lodging establishments within the City of Bay St. Louis, 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. It is further,

ORDERED that all businesses are strongly recommended to offer and/or provide customers hand sanitizer or similar type disinfectant for personal, human use, must disinfect and sanitize common areas on a regular basis, and must 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 seconds). It is further,

ORDERED that all public neighborhood parks in the City may remain open on a limited basis only 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). It is further,

ORDERED that all persons within the boundaries of the City of Bay St. Louis should take personal responsibility to prevent the spread of COVID-19 by adhering to the most recent regulations or guidelines issued by the CDC, the MDOH, or the President of the United States, 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). It is further,

ORDERED that all City of Bay St. Louis residents and visitors to Bay St. Louis, especially those who the CDC has indicated are at an increased risk of infection with the COVID-19 virus, including, but not limited to, those adults over sixty (60) years of age and individuals with underlying medical conditions, are strongly encouraged to shelter in place at home, except as needed to conduct “Essential Business,” as listed in the Governor’s Executive Order 1463. It is for the benefit of all citizens that all persons adhere to a “Safer-at-Home” policy.

Individuals experiencing homelessness, who may include individuals in shelters, shall not be subject to this provision but shall be strongly encouraged to adhere to the 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 a curfew shall be, and hereby is, instituted and in place as to all persons found within the City of Bay St. Louis’s corporate limits from 11:00 p.m. to 5:00 a.m. each day of the week until further notice or modification or recession of the same. This curfew applies to all persons, with the exception of the following: (i) public safety officers; (ii) persons working for federal, state and local government or law enforcement; (iii) persons employed by a hospital, urgi-care type facility, medical clinic, medical laboratory, or physician’s office or ambulance service and who are traveling to or from such facility or place of employment; (v) persons going to and from work as permitted in this Proclamation or the “Emergency Mayoral Proclamation of Executive Order” issued on March 21, 2020; (vi) persons suffering a health or medical emergency who are traveling to a hospital, urgi-care type facility, medical clinic, medical laboratory, or physician’s office or similar type facility; (vii) individuals traveling through the City along Interstate 10 or U. S. Highway 90 and who do not stop in the City; and (viii) persons actively involved in the provision of services of an “Essential Business,” as listed in the Governor’s Executive Order 1463.

Movement around the City outside of this curfew should be limited to that as set forth and permitted elsewhere herein, and even in such circumstances only upon strict 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 this Second Proclamation of Executive Order does not alter any of the obligations under law of an employer affected by this Proclamation, or the one issued on March 21, 2020, to its employees or to the employees of another employer. It is further,

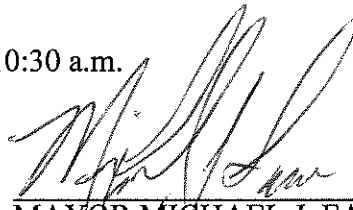
ORDERED that this Proclamation of Executive Order is herein being issued to the extent allowed by state and federal law and the United States Constitution. It is further,

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 Second 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, 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 Second Emergency Mayoral Proclamation of Executive Order shall be, and hereby is, effective at 11:59 p.m. on Wednesday, April 1, 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 Bay St. Louis, whichever shall occur first.

THIS, the 1st day of April, 2020, at 10:30 a.m.



MAYOR MICHAEL J. FAVRE
CITY OF BAY ST. LOUIS, MISSISSIPPI

ATTEST:



CITY CLERK
CITY OF BAY ST. LOUIS, MISSISSIPPI