

**THIRD 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**

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, the Mississippi Department of Health (“MDOH”) reported that as of April 7, 2020, there are 2,003 confirmed cases of persons infected with COVID-19 in the State of Mississippi, 32 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” and a “Second Emergency Mayoral Proclamation of Executive Order” was issued on April 1, 2020, which, among other things, set a city wide curfew which much be renewed every five (5) days; 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, 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, 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, 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

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 Third 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, and the “Second Mayoral Proclamation of Executive Order” issued by me on April 1, 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 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, urgent-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, urgent-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,

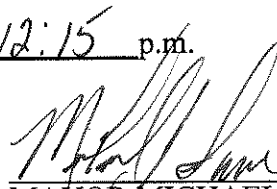
ORDERED that this Proclamation of Executive Order is herein being issued to the extent allowed by state and federal law and the United States Constitution. It is further,

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 Third Emergency Mayoral Proclamation of Executive Order shall be, and hereby is, effective at 5:00 p.m. on Wednesday, April 8, 2020, and shall remain in effect for five days as allowed by Miss. Code Ann. § 45-17-5.

THIS, the 8th day of April, 2020, at 12:15 p.m.



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

ATTEST:



CITY CLERK
CITY OF BAY ST. LOUIS, MISSISSIPPI

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