

IN THE CITY OF BILOXI  
SECOND JUDICIAL DISTRICT OF HARRISON COUNTY  
STATE OF MISSISSIPPI

**SECOND EMERGENCY MAYORAL PROCLAMATION OF  
EXECUTIVE ORDER DATED MARCH 31, 2020  
REGARDING THE CURTAILMENT OF EXPOSURE  
TO COVID-19 IN THE CITY OF BILOXI**

**WHEREAS**, COVID-19 is a disease that can result in severe illness or death and can easily spread from person to person, and which is caused by a new strain of coronavirus that had not previously been identified in humans; and

**WHEREAS**, on March 13, 2020, the President of the United States declared a national emergency due to the coronavirus (COVID-19) pandemic and the Governor of the State of Mississippi issued a similar declaration of emergency on March 14, 2020; and

**WHEREAS**, on March 17, 2020, the governing authorities of the City of Biloxi, , pursuant to Resolution 153-20, unanimously passed a Resolution declaring a State of Emergency in the City of Biloxi, Mississippi for COVID-19 and authorizing the Mayor to do all things reasonable and necessary to protect the immediate health and safety of the City's citizens; and for related purposes; 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 President concerning steps necessary to stop the spread of this outbreak, which has now turned into a pandemic, one of the most significant of which is the need to "social distance" ourselves from others in all places, including in the public; and

**WHEREAS**, on Friday, March 20, 2020, I, Mayor A.M. Gilich, Jr., issued an Emergency Mayoral Proclamation closing certain public buildings, prohibiting in-house or outdoor seated dining, curtailing certain events, and limiting gatherings of ten (10) persons or more; and

**WHEREAS**, on Tuesday, March 24, 2020, the Governing Authorities, pursuant to Resolution 192-10, adopted and affirmed the Mayoral Proclamation, and provided further directives to the public and businesses regarding social distancing of at least six (6) feet; and

**WHEREAS**, the outbreak of COVID-19 is continuing to grow and is now infiltrating more areas in close proximity to the City of Biloxi; 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 of growth of the virus in

Louisiana has been noted by some to be the fastest in the world so far and rivaling the rate in Italy, which has suffered over 11,000 deaths to the coronavirus to date; that the City of New Orleans, which is located within eighty miles of the City of Biloxi, 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 Biloxi; and

**WHEREAS**, since issuance of the March 20, 2020, "Emergency Mayoral Proclamation of Executive Order," reported cases of the coronavirus in Harrison 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 845 on March 29, 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 Biloxi, to mitigate the impact of this disease, and to combat and disrupt the spread of the virus; and

**WHEREAS**, unfortunately there are certain non-essential businesses whose very nature requires contact of less than six (6) feet, such as tattoo parlors, nail salons, barber shops, beauty parlors, spas, exercise studios, massage parlors, fitness centers and gyms, and it is my determination that any guidance or aids regarding social distancing while still operating such business is impractical, if not impossible, and, if such businesses are permitted to continue, will contribute to the spread of this disease and prolific exposure of our citizens to this emergent threat to public health and safety; and

**WHEREAS**, the Mayor of Biloxi 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 addition to the temporary closure of certain establishments ordered because of this emergency in the “Emergency Proclamation of Executive Order” issued on March 20, 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

**WHEREAS**, in a continuing effort to encourage civic responsibility, to prevent the spread of this disease, and in an effort to curb the growth of cases of affected persons and conditions, authorities across the country have taken and are continuing to take extraordinary measures to limit and inhibit close personal contact in the community through the issuance of orders and enactment of legislation; and

**WHEREAS**, extraordinary measures related to the spread of the coronavirus are necessary and needed to be expedient for the health, safety, and welfare and good order to protect the 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. § 47-17-7, et seq. and Miss. Code Ann. § 33-15-17, et seq., as amended, and in the public interest of the City of Biloxi, and to safeguard and protect the health, safety, and welfare of the public, I do hereby issue this Second Emergency Mayoral Proclamation of Executive Order (also referred to as “Proclamation”) as set out herein; and

**IT IS HEREBY ORDERED** that all provisions of Resolution 192-20, passed by the Governing Authorities on March 24, 2020, remain in full force and effect. It is further

**ORDERED** that non-essential businesses whose very nature requires contact of less than six (6) feet, such as tattoo parlors, nail salons, barber shops, beauty parlors, spas, exercise studios, massage parlors, fitness centers and gyms, shall close and suspend operations, effective Thursday, April 2, 2020, at 12:01 a.m.

**ORDERED** that the maximum room occupancy for all transient public lodging establishments within the City of Biloxi, 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 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 should offer and/or provide customers hand sanitizer or similar type disinfectant for personal, human use, should disinfect and sanitize common areas on a regular basis, and should 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 all persons within the boundaries of the City of Biloxi are strongly encouraged, to the extent reasonably practicable, to limit their interaction with others, to exercise safe social distancing practices by avoiding groups in excess of ten (10) and staying at least six (6) feet away from others, and to maintain hand washing and hygiene on a regular basis. This order includes and applies to the City's waterways, islands, parks, and beaches.

**ORDERED** that all City of Biloxi residents and visitors to Biloxi, especially those adults over age 60, and individuals with underlying medical conditions that are at increased risk of serious COVID-19 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.

**ORDERED** that, effective Thursday, April 2, 2020 at 11:00 p.m., a curfew shall be, and hereby is, instituted and in place as to all persons found within the City of Biloxi'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 20, 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) military personnel; (viii) individuals traveling through the City along Interstate 10 or U. S. Highway 90 and who do not stop in the City; and (ix) 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 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 Second Proclamation of Executive Order. It is further,

**ORDERED** that violations of this Second Proclamation of Executive Order may be subject to misdemeanor prosecution pursuant to State Law, including, but not limited to, Miss. Code Ann. § 45-17-9, as amended, as well as the City's Code of Ordinances, including, but not limited to, § 13-1-15 of the City's Code of Ordinances. It is further,

**ORDERED** that this Second Emergency Mayoral Proclamation of Executive Order shall be, and hereby is, effective on Thursday, April 2, 2020, at 12:01 a.m. and shall remain in effect until amended, rescinded, or superseded by another applicable Mayoral Proclamation, Executive Order, or Resolution, or the termination of the current (and ongoing) State of Emergency related to this pandemic issued by the City of Biloxi, whichever shall occur first.

THIS, the 31<sup>st</sup> day of March, 2020.

  
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MAYOR A.M. GILICH, JR.  
CITY OF BILOXI, MISSISSIPPI

ATTEST:

  
\_\_\_\_\_  
CITY CLERK  
CITY OF BILOXI, MISSISSIPPI

