

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

**THIRD EMERGENCY MAYORAL PROCLAMATION OF
EXECUTIVE ORDER DATED APRIL 29, 2020 REGARDING
NECESSARY EFFORTS TO COMBAT THE SPREAD OF COVID-19 IN
THE CITY OF BILOXI, 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 Biloxi, and to safeguard and protect the health, safety, and welfare of the public and for the protection of life and property, I issued an Executive Order on March 31, 2020, entitled “Second Emergency Mayoral Proclamation of Executive Order Dated March 31, 2020, Regarding the Curtailment of Exposure to COVID-19 in the City of Biloxi,” which was adopted by the governing authorities of the City of Biloxi pursuant to Resolution 210-20; 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 Biloxi, 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, 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

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 Biloxi is located, has had 158 such cases and six (6) deaths associated with the disease through April 25, 2020; and

WHEREAS, on April 24, 2020, the Governor 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 Biloxi, 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 Biloxi, 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 Biloxi; and

WHEREAS, as part of what I have found to be a continued need to address COVID-19 in the City of Biloxi, 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 Biloxi, 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

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 Biloxi, 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 Third Emergency Mayoral Proclamation of Executive Order of April 29, 2020 (also referred to as “Proclamation”) as set out herein.

IT IS HEREBY ORDERED that the “Safer-at-Home” Order issued on April 24, 2020, by the Governor in his Executive Order No. 1477 is hereby adopted and incorporated as my “Third Emergency Mayoral Proclamation of Executive Order” for the City of Biloxi and to take effect at 8:00 a.m. on Wednesday, April 29, 2020.

It is further,

ORDERED, that the City-wide curfew shall continue and remain in effect as set forth in the March 31, 2020 Executive Order and Resolution 210-20, 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 the March 31, 2020 Executive Order and Resolution 210-20. It is further,

ORDERED, that the City will be forthcoming with conditions and guidelines required for different business types and organizations. 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, § 13-1-15 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 Wednesday, April 29, 2020, and shall remain in effect until amended, rescinded, or superseded by another applicable Mayoral Proclamation or 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 28th day of April, 2020, at 3:30 p.m.



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

ATTEST:



CITY CLERK
CITY OF BILOXI, MISSISSIPPI

