

**THIRD AMENDED RESOLUTION OF THE CITY COUNCIL OF
PASCAGOULA, MISSISSIPPI ENACTING REGULATIONS TO PROTECT LIFE
AND PROPERTY AND TO PREVENT THE INTRODUCTION AND SPREAD OF
A CONTAGIOUS OR INFECTIOUS DISEASE**

WHEREAS, in December 2019, a novel coronavirus known as SARS-CoV-2 was first detected in Wuhan, Hubei Province, People’s Republic of China, causing a pandemic of the coronavirus disease (“COVID-19”) that has now spread globally; and

WHEREAS, the Secretary of Health and Human Services (HHS) declared a public health emergency on January 31, 2020, under section 319 of the Public Health Service Act (42 U.S.C. 247d), in response to COVID-19; and

WHEREAS, on March 13, 2020, the President of the United States of America declared a national emergency in response to the spread of COVID-19; and

WHEREAS, on March 14, 2020, Governor Tate Reeves signed a State of Emergency in response to the spread of the COVID-19; and

WHEREAS, on March 16, 2020, the Jackson County Board of Supervisors signed a Proclamation of Existence of a Local Emergency in response to the spread of the COVID-19; and

WHEREAS, on March 17, 2020, the City Council for the City of Pascagoula, Mississippi issued a Proclamation of Local Emergency Regarding the Novel Coronavirus Disease (COVID-19) Outbreak; and

WHEREAS, on March 20, 2020, the Mississippi Department of Health recommended that all restaurants and bars suspend dine-in service; and

WHEREAS, on March 20, 2020, the Mississippi Department of Health further recommended that Mississippi residents not attend funerals, weddings, church services, or other community or social events with expected attendance of more than ten (10) people; and

WHEREAS, on March 21, 2020, the City Council for the City of Pascagoula, Mississippi adopted a Resolution Enacting Regulations to Protect Life and Property and to Prevent the Introduction and Spread of a Contagious or Infectious Disease, in which the City Council adopted certain regulations pursuant the recommendations of the Mississippi Department of Health; and

WHEREAS, on March 24, 2020, the Governor of the State of Mississippi issued Executive Order No. 1463 which, together with the Supplement to Executive Order No. 1463 issued on March 26, 2020, (i) defines what is an “Essential Business or Operation”; (ii) provides that municipalities cannot impose restrictions that prevent any Essential Business or Operation from operating at such level necessary to provide essential services and functions; and (iii) provides that municipalities may not adopt measures that are less restrictive than the provisions of Executive Order No. 1463; and

WHEREAS, on March 31, 2020, the City Council for the City of Pascagoula, Mississippi adopted an Amended Resolution Enacting Regulations to Protect Life and Property and to Prevent the Introduction and Spread of a Contagious or Infectious Disease, in which the City Council adopted additional regulations pursuant the recommendations of the Mississippi Department of Health; and

WHEREAS, on April 1, 2020, the Governor of the State of Mississippi issued Executive Order No. 1466, which imposes certain “Shelter-in-Place” requirements and confirms that local municipal authorities may adopt orders, rules, regulations, and actions that are more strict than those established in Executive Order No. 1466, provided that they do not impose restrictions that prevent any Essential Business or Operation as identified in Executive Order No. 1463 as Supplemented from operating at such level necessary to provide essential services and functions

during the COVID-19 State of Emergency; and

WHEREAS, on April 6, 2020, the Mississippi Department of Health recommended that essential commercial operations take every measure to ensure social distancing and to prevent crowding within stores; and

WHEREAS, on April 7, 2020, the City Council for the City of Pascagoula, Mississippi adopted a Second Amended Resolution Enacting Regulations to Protect Life and Property and to Prevent the Introduction and Spread of a Contagious or Infectious Disease, in which the City Council adopted additional regulations pursuant the recommendations of the Mississippi Department of Health; and

WHEREAS, as of April 19, 2020, the Mississippi Department of Health reported 4,512 COVID-19 cases in Mississippi, including 169 resulting in death; and

WHEREAS, in an 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 regulations, many of which have restricted access to areas that are routinely used for gatherings of people; and

WHEREAS, the President of the United States and the Centers for Disease Control and Prevention recommend certain “social distancing” measures, including avoiding gatherings of groups of more than ten (10) people and maintaining a distance of at least six (6) feet from others; and

WHEREAS, 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 any guidance regarding social distancing while still operating such businesses is impracticable, if not impossible, and, if such businesses are permitted to continue, these would contribute to the spread of COVID-19 and expose our citizens to this emergent threat to public health and safety; and

WHEREAS, there are certain essential retail businesses with large customer bases, such as grocery stores, supermarkets, convenience stores, hardware and building materials stores, automotive sales and repairs stores, pharmacies, feed stores, and office supply stores, where additional “social distancing” measures are required to prevent and reduce the spread of COVID-19; and

WHEREAS, pursuant to Mississippi Code Section 33-15-17, the City Council is authorized, during a local emergency, to promulgate orders and regulations necessary to provide for the protection of life and property, including orders or regulations imposing a curfew within designated boundaries where necessary to preserve the public order and safety; and

WHEREAS, pursuant to Mississippi Code Section 21-19-3, the City Council is authorized to make regulations to prevent the introduction and spread of contagious or infectious diseases; to make quarantine laws for that purpose, and to enforce the same within five miles of the corporate limits; and to establish pesthouses outside the corporate limits, and to provide for the support and government of the same; and

WHEREAS, pursuant to Mississippi Code Section 21-19-17, the City Council is authorized to make regulations to protect property, health and lives and to enhance the general welfare of the community by restricting the movements of the citizens, or any group thereof, when there is eminent danger to the public safety because of freedom of movement thereof.

WHEREAS, the City Council finds that it is necessary and in the best interest of the public welfare and safety to impose certain regulations pursuant to Mississippi law for the purposes protecting life and property, preserving public health, preserving the public order and safety, and limiting and containing the spread of a contagious or infectious disease.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1: That the City Council of Pascagoula, Mississippi hereby adopts, implements, and extends, effective immediately, the following regulations:

a) Every day from the hours of 11:00 p.m. to 5:00 a.m., a curfew shall be in effect during which no person shall be permitted to leave his or her residence except to:

- (i) ensure the health and safety of his or herself and others;
- (ii) obtain or provide emergency medical treatment for his or herself or others; or
- (iii) perform the duties of employment if employed by an Essential Business or Operation as defined by the Governor in Executive Order No. 1463.

b) In-house and other seated dining shall be prohibited at all restaurants, cafes, coffee houses, diners, food stands, and any other building, business, establishment, or place that prepares, sells, or distributes prepared food (collectively referred to as “Dining Establishments”). Dining Establishments may only sell or distribute food and beverages by means of carryout, walk-out, curbside, drive-up, drive-through, and delivery. Any Dining Establishment selling or distributing food and beverages by means of carryout shall ensure the following and shall not serve any customer who refuses to comply with the following:

1) That no more than ten (10) customers be allowed inside the Dining Establishment at any given time;

- 2) That no more than ten (10) customers be allowed to queue in line or otherwise congregate outside of a Dining Establishment at any given time, unless such customers remain in their vehicles; and
 - 3) That all customers, whether inside or outside, except for those remaining in their vehicles, shall remain at least six (6) feet apart from other customers.
- c) The following buildings, businesses, establishments, and places shall be closed and suspend operations: bars, social clubs, night clubs, taverns, lounges, private clubs, and indoor and outdoor performance venues; provided, however, that any of the foregoing buildings, business, establishments, or places meeting the definition of a Dining Establishment may operate pursuant to the regulations established in Section 1(b), above.
 - d) All businesses and establishments that do not explicitly fall within the scope of “Essential Businesses or Operations” as defined by Executive Order No. 1463, and 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, nail salons, barber shops, cross training gyms, fitness facilities, beauty parlors, and gyms, and other similar businesses and establishments located in the City of Pascagoula, shall close and suspend operations.
 - e) Retail businesses deemed “Essential Businesses or Operations” as defined by Executive Order No. 1463, including, but not limited to, grocery stores, supermarkets, convenience stores, hardware and building materials stores,

automotive sales and repairs stores, pharmacies, feed stores, and office supply stores, shall ensure the following:

- 1) That for every 1,000 square feet of gross building footage, only one-and-one-half (1.5) customers shall be permitted in any such business's building (this limitation does not apply to the business's employees); and
- 2) That customers queueing in line or otherwise congregating outside of all such businesses shall remain six (6) feet apart from others.

SECTION 2: Violations of the foregoing regulations are punishable as allowed by Mississippi law and City Ordinance, including a fine not exceeding Five Hundred Dollars (\$500.00) or imprisonment for not exceeding six (6) months or both.

SECTION 3: Pursuant to Executive Order No. 1463, the Supplement thereto, and Executive Order 1466, nothing herein shall be construed as preventing any Essential Business or Operation as identified in Executive Order No. 1463 from operating at such level necessary to provide essential services and functions.

SECTION 4: This Amended Resolution shall be (i) filed with the City Clerk; (ii) distributed to the news media and other organizations reasonably calculated to bring its contents to the attention of the general public; and (iii) distributed to others as necessary to ensure proper implementation of this Amended Resolution.

SECTION 5: As of the effective date and time stated in Section 1, above, the regulations contained herein shall amend and supersede the regulations adopted by the City Council in the Second Amended Resolution Enacting Regulations to Protect Life and Property and to Prevent the Introduction and Spread of a Contagious or Infectious Disease on April 7, 2020.

SECTION 6: Unless determined otherwise at a special meeting, the foregoing

regulations shall remain in effect until the City Council's May 5, 2020 regular meeting, wherein said regulations may be amended, rescinded, or superseded by another applicable Resolution of the City Council of the City of Pascagoula, Mississippi.

The motion to approve the foregoing resolution was made by Councilman _____ and seconded by Councilman _____, and the following vote was recorded:

| | |
|---------------------|-------|
| Mayor Demetropoulos | _____ |
| Councilman Jones | _____ |
| Councilman Fornett | _____ |
| Councilman Burrow | _____ |
| Councilman Parker | _____ |
| Councilman Tipton | _____ |
| Councilman Colmer | _____ |

RESOLVED, this the _____ day of _____, 2020.

ATTEST:

CITY COUNCIL

City Clerk

By: _____
Mayor