

**FOURTH 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, 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, 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 which has been amended from time-to-time; and

WHEREAS, the Governor of the State of Mississippi issued Executive Order No. 1463 (together with its Supplement), Executive Order No. 1466, Executive Order No. 1473, and Executive Order No. 1477, along with others, establishing regulations for the prevention and mitigation of the spread of COVID-19; and

WHEREAS, it is anticipated the Governor of the State of Mississippi will issue additional executive orders establishing regulations for the prevention and mitigation of the spread of COVID-19; and

WHEREAS, as of April 26, 2020, the Mississippi Department of Health reported 6,094 COVID-19 cases in Mississippi, including 229 resulting in death; 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; and

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; and

WHEREAS, due to the ever-evolving nature of the guidelines, recommendations, and regulations regarding COVID-19, the City Council of the City of Pascagoula finds that it is necessary and in the best interest of the City's residents to mirror the Governor's executive orders related to COVID-19.

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) All persons in the City of Pascagoula are required, to the extent reasonably practicable, to exercise safe social distancing practices by avoiding groups in excess of ten (10) and by staying at least six (6) feet away from others.
- b) Everyday from the hours of 10:00 p.m. to 5:00 a.m., a curfew shall be in effect during which no person under the age of eighteen (18) 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's executive orders.

- c) All regulations and restrictions established by Executive Order No. 1463 (together with its Supplement), Executive Order No. 1466, Executive Order No. 1473, and Executive Order No. 1477 and any additional measures ordered by the Governor of the State of Mississippi related to COVID-19 are hereby adopted and enforceable by the City of Pascagoula.
- d) Except as provided otherwise herein, all COVID-related regulations previously implemented by the City, including, but not limited to, curfews and building occupancy limits, are hereby repealed and replaced with the foregoing regulations.

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 the Governor’s Executive Orders, nothing herein shall be construed as preventing any Essential Business or Operation as defined by the Governor 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: The foregoing regulations shall remain in effect until determined otherwise by the City Council of the City of Pascagoula, as may be determined in consultation with the Governor of the State of Mississippi and the Mississippi State Department of Health.

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