

CITY OF LUCEDALE, MISSISSIPPI

ORDINANCE NO. 455

SHELTER IN PLACE COVID-19
PUBLIC SAFETY ORDINANCE

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary Alex Azar declared the COVID-19 coronavirus pandemic to be a “public health emergency”; and

WHEREAS, on March 13, 2020, Mississippi Governor Tate Reeves issued a Proclamation declaring that a State of Emergency exists in the State of Mississippi as a result of the outbreak of the COVID-19 virus; and

WHEREAS, on March 13, 2020, the President of the United States declared the COVID-19 coronavirus pandemic to be a “national emergency”; and

WHEREAS, on March 16, 2020, the City of Lucedale, Mayor and Board of Aldermen declared the COVID-19 coronavirus pandemic to be a State of Local Emergency; and

WHEREAS, on March 24, 2020, Mississippi Governor Tate Reeves issued Executive Order No. 1463, which among other requirements, ordered and directed that all municipalities “are authorized and directed to cooperate in actions and measures taken in response to COVID-19 during the State of Emergency”; and

WHEREAS, the Mississippi Department of Health has reported confirmed cases of the COVID-19 coronavirus in George County and in adjoining counties in our area; and

WHEREAS, Section 21-19-17 of the Mississippi Code provides that the City has the power 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, of such municipalities when there is eminent danger to the public safety because of freedom of movement thereof; and

WHEREAS, Section 21-13-11 of the Mississippi Code provides that the City has the authority take emergency measures and make ordinances for the immediate and temporary preservation of the public peace, health or safety or for other good cause; and

WHEREAS, Section 33-15-17 of the Mississippi Code provides that the City has “the power and authority” and “may promulgate orders and regulations necessary to provide for the protection of life and property”; and

WHEREAS, the COVID-19 coronavirus pandemic poses a serious threat to the citizens of the City of Lucedale, Mississippi; and

WHEREAS, the Lucedale Mayor and Board of Aldermen seek to limit the spread of the COVID-19 coronavirus in Lucedale, and are concerned for the safety of the citizens of the City of Lucedale.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LUCEDALE, GEORGE COUNTY, MISSISSIPPI, AS FOLLOWS TO-WIT:

Effective at 5:00 p.m., April 3, 2020 and to remain in effect until amended, rescinded, or superseded by another Ordinance or Executive Order of the Lucedale Board of Aldermen, the following mandates shall take effect.

Curfew between the hours of 11:00 p.m. and 5:00 a.m. for all persons unless traveling to or from an essential business or employment for essential employees.

Restaurants shall close their dining rooms. Restaurants may continue to use drive thru, curbside delivery, or other delivery services. We encourage restaurants to continue to provide these services for those who may not be able to prepare meals.

Churches and other places of worship shall limit persons inside their churches to less than 10 persons at one time.

We appreciate the cooperation of retailers and that they will understand the spirit of this Order. The main concern is to reduce human to human contact to limit the spread of the COVID-19 coronavirus. For this reason non-essential businesses will be closed during this duration of this Ordinance. The following list of non-essential businesses is given as a guideline.

Examples of non-essential business include barber shops and beauty salons, nail salons, day spas, dance studios and gyms.

Essential businesses are defined as those businesses which provide essential workers or essential products to maintain the services and functions that our citizens depend on daily and that are necessary to be able to operate resiliently during the COVID-19 pandemic response. For this reason essential businesses will remain open.

Examples of essential businesses include medical and health care clinics, gas stations, grocery stores, pharmacies, convenience stores, cleaners and laundromats, discount and dollar stores, banks, hardware stores, electrical stores, plumbing stores, auto parts stores, building material stores, funeral homes and daycares.

All essential businesses are reminded to follow all federal, state and local guidelines, proclamations, ordinances and orders, and to comply with all COVID-19 pandemic response guidelines of the CDC, the Mississippi Department of Health and the President of the United States.

We ask the public's cooperation to stay at home except when it is necessary to be out. We also ask them to shop local when this emergency is over. Our local small businesses have been greatly impacted because of the COVID-19 pandemic. These people are the backbone of our community who have invested time and money to serve us locally. Please encourage and pray for them.

All private gatherings and social gatherings, including but not limited to weddings and funerals, shall be limited to 10 persons or less at one time and maintain all social distancing rules (6 foot rule).

ORDERED that violations of this Ordinance shall be subject to misdemeanor prosecution in the City of Lucedale Municipal Court.

Any person violating the "private gathering" maximum of 10 persons at one time shall be guilty of a misdemeanor and be punished by a fine not exceeding Five Hundred Dollars (\$500.00) per offense. Any restaurant violating the closed dining rooms provision, any church or place of worship, or any "non-essential business" violating the 10 persons at one time provision shall be guilty of a misdemeanor and be punished by a fine not exceeding One Thousand Dollars (\$1,000.00) per offense.

The private property owner or tenant in possession, or the restaurant, church or place of worship, or "non-essential business" owner or "non-essential business" tenant in possession, having control of the location in violation of this Ordinance shall also be liable for any fine imposed by the City of Lucedale Municipal Court.

The City of Lucedale Police Department shall give notice of the charge to all offenders, by misdemeanor affidavit.

Pursuant to Section 21-13-11 of the Mississippi Code, said Ordinance is for the immediate and temporary preservation of the public peace, health or safety or for other

good cause, and is adopted by unanimous vote of all members of the governing body, and shall take effect and be enforced immediately on April 3, 2020; and the City Clerk is authorized to publish said Ordinance in the manner required by law.

ORDERED that this Ordinance 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 Ordinance.

ORDERED that this Ordinance shall be distributed by the Lucedale Police Department to each manager in charge of each restaurant, church or place of worship, or "non-essential business" located within the City of Lucedale limits.

It is further ORDERED this Ordinance shall take effect on April 3, 2020 and shall remain in effect until amended, rescinded, or superseded by another Ordinance or Executive Order of the Lucedale Board of Aldermen or the termination of the current (and ongoing) State of Emergency related to this pandemic issued by the City of Lucedale, whichever shall occur first.

The above and foregoing Ordinance having first been reduced to writing was read and considered section by section, and said Ordinance was put to a vote upon its final passage as a whole, to-wit:

Aldermen voting "YEA": Alderman Valentine, Alderman Moulds, Alderman Redd, Alderman Martin, Alderman Jones

Aldermen voting "NAY": None

Aldermen absent or not voting: None

THEREUPON, the Mayor declared said Ordinance approved, passed, and adopted this 2nd day of April, 2020. Due to the Safety, Health and Welfare of the citizens of Lucedale this Order shall take effect Friday, April 3, 2020, 5:00 PM.

ORDERED, this the 2nd day of April, 2020.



DARWIN NELSON, MAYOR

KATHY JOHNSON ANDERSON,
CITY CLERK