

ORDINANCE BY THE MAYOR and BOARD OF ALDERMAN FOR THE CITY OF HERNANDO, MISSISSIPPI DECLARING A CIVIL EMERGENCY AND FOR THE CONTROL OF CONTAGIOUS and INFECTIOUS DISEASES AND FOR PURPOSES RELATED THERETO IN RESPONSE TO THE COVID-19 PANDEMIC AS PREVIOUSLY RECOGNIZED BY THE STATE OF MISSISSIPPI AND THE UNITED STATES OF AMERICA

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An Ordinance of the City of Hernando, Mississippi declaring a Civil Emergency, as per Section 45-17-1, et seq. of the Mississippi Code of 1972, Annotated, as Amended, for the prevention and spread of contagious and infectious diseases and for purposes related thereto.

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*BE IT ORDAINED*, by the Mayor and Board of Alderman of the City of Hernando, Mississippi as follows:

*WHEREAS*, the governing authorities of the City of Hernando, Mississippi have received and reviewed both the current recommendations of the Mississippi State Department of Health (“MSDH”) and the Center for Disease Control (“CDC”), an agency of the federal government of the United States of America in regard to the virus commonly known as COVID-19 which has been recognized and declared a pandemic by state and federal agencies; and

*WHEREAS*, the City of Hernando, Mississippi did adopt on Tuesday, March 17, 2020 a Resolution declaring a local emergency due to the COVID-19 virus and which the city finds to be a highly contagious “disease” based upon the information received to date; and

*WHEREAS*, the Mayor and Board of Alderman of the City of Hernando, Mississippi find that the COVID-19 virus is a danger to the City of Hernando, Mississippi and is in effect a civil emergency within the meaning of Section 45-17-3 of the Mississippi Code of 1972, Annotated, as Amended; and

*WHEREAS*, Sections 45-17-5 and 45-17-7 of the Mississippi Code of 1972, Annotated, as Amended provide authority to the City of Hernando, Mississippi to enact such orders as may be necessary to insure order and to protect lives and property; and

*WHEREAS*, Section 21-19-3 of the Mississippi Code of 1972, Annotated, as Amended, authorizes the City of Hernando, Mississippi to take such actions as necessary through lawful regulations to prevent both the introduction of contagious and/or infectious diseases; and

*WHEREAS*, Sections 21-19-17 and Sections 21-19-29 of the Mississippi Code of 1972, Annotated, as Amended the authority to make such regulations as necessary to restrict the movement of citizens during a time of emergency and to likewise regulate the entrances to “public halls, churches and buildings” and the method of ingress and egress to such facilities; and

WHEREAS, the governing authorities of the City of Hernando, Mississippi have determined that it is in the best interest of the city to enact an ordinance and which is set forth as follows.

NOW, THEREFORE BE IT FURTHER ORDAINED by the Mayor and Board of Alderman of the City of Hernando, Mississippi as follows:

The City of Hernando hereby adopts the following emergency regulations that shall go into effect immediately upon adoption and shall remain in effect until such time as the same is either amended and/or rescinded by the governing authorities of the City of Hernando, Mississippi and which ordinance is for the purpose of protecting the health, safety and welfare of the city and those persons found within the city and to further prevent the spread of contagious and infectious diseases:

1. All restaurants or other such establishment that provide “dine in” food services, no matter what such establishment or business is referred to shall only serve food using drive-through, curbside only pick-up or delivery and shall not allow the public to use in any manner the interior or exterior of any such restaurant or other such establishment. This provision shall go into effect on March 24, 2020 at 5:00 p.m.
2. All businesses, organizations, clubs, places of worship, funeral homes or other gatherings within the municipal limits/boundaries of the City of Hernando, Mississippi shall be required to adhere to and follow the CDC and the MSDH that have recommended a ten (10) person limit to any such place. This shall extend to social gatherings as well anywhere within the city limits of Hernando, Mississippi. That excluded from this requirement are those deemed as “essential services” including but not limited to medical facilities, nursing homes, retirement centers, drug stores, pharmacies, banks, grocery stores, convenience stores (no dine in allowed), fuel stations, hardware stores, agricultural products and suppliers, automotive repair centers, veterinary clinics, delivery companies and manufacturers and/or distributors of products essential for the supply chain of vital supplies and services. This provision shall go into effect on March 24, 2020 at 5:00 p.m.
3. The City of Hernando, Mississippi may issue such orders as are necessary in regard to this ordinance.
4. This Ordinance shall be enforced by the City of Hernando, Mississippi Police Department and any violations may be punishable as provided by law.

This Ordinance shall take effect immediately upon its passage pursuant to the authority as found in Section 21-13-11 of the Mississippi Code of 1972, Annotated, as Amended and the same is made for the protection and preservation of public health, safety, peace and welfare.


The above Ordinance was first reduced to writing, the requirement for reading waived and considered at a special called public meeting of the Mayor and Board of Aldermen and held on March 23, 2020 on motion duly made by Alderman Harris, seconded by Alderman Higdon, for the adoption of said Ordinance and seconded, a vote was taken as follows:

**VOTE:**


Alderman Higdon	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Alderwoman Brooks	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Alderman Bryant	Absent	<input type="checkbox"/> NO
Alderman Harris	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Alderman Hobbs	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Alderman McLendon	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Alderman Miller	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

SO ADOPTED and ORDAINED on this the 23rd day of March 2020.

APPROVED:

  
TOM FERGUSON, MAYOR

ATTEST:

  
KATIE HARBIN, CITY CLERK  
(SEAL)

