

FILED

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

CIVIL DISTRICT COURT

NO.: 2020-3179

DIVISION: F

SECTION NO.: 7

CITY OF NEW ORLEANS

FILED: _____

DEPUTY CLERK

MAYORAL PROCLAMATION TO FURTHER PROMULGATE EMERGENCY ORDERS DURING THE STATE OF EMERGENCY DUE TO COVID-19

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*, confers upon the Mayor of the City of New Orleans emergency powers to deal with emergencies and disasters, including those resulting from terrorist events, enemy attack, sabotage, or other hostile action, or from fire, flood, earthquake, or other natural or manmade causes, in order to ensure that preparations of this City will be adequate to deal with such emergencies or disasters, and in order to detect, prevent, prepare for, investigate, respond to, or recover from these events, and to preserve the lives and property of the people of the City of New Orleans; and

WHEREAS, the United States has confirmed cases of individuals who have a severe acute respiratory disease (“COVID-19”) caused by a novel coronavirus (“the virus”) first detected in Wuhan, Hubei Province, People's Republic of China, which was first reported on December 31, 2019; and

WHEREAS, as of May 14, 2020, the World Health Organization (“WHO”) has reported more than 4,200,000 confirmed cases of COVID-19 and over 294,000 deaths from the virus; and

WHEREAS, on March 9, 2020, the first presumptive positive case of COVID-19 was announced in the State of Louisiana, in a hospital in the City of New Orleans; and

WHEREAS, on March 11, 2020, the WHO declared the COVID-19 outbreak a pandemic; on March 13, 2020, President Trump declared a National Emergency for the United States; on March 11, 2020, Governor John Bel Edwards declared a state of emergency for the State of Louisiana; and on March 11, 2020, I declared a state of emergency in the City of New Orleans due to COVID-19; and

WHEREAS, as of March 16, 2020, there were 95 presumptive positive cases of COVID-19 in the City of New Orleans, three of which resulted in patient deaths; and

WHEREAS, on March 16, 2020, I issued a Mayoral Proclamation to Promulgate Emergency Orders During the State of Emergency due to COVID-19 in an effort to implement the guidelines of the Centers for Disease Control and Prevention (“CDC”) and mitigate the further spread of COVID-19; and

WHEREAS, as of April 14, 2020, there were 5,718 confirmed positive cases of COVID-19 in the City of New Orleans, 276 of which resulted in patient deaths, and the public health and safety threats of COVID-19 continued despite the Emergency Orders in place since March 16, 2020, so I issued a Mayoral Proclamation to Further Promulgate Emergency Orders on April 15, 2020; and

WHEREAS, as of May 14, 2020, there have been 6,768 positive cases of COVID-19 in the City of New Orleans, 482 of which have resulted in patient deaths; and

WHEREAS, the direct and definite public health and safety threats of COVID-19, and the related threats to the health, safety, and welfare of the residents of the City of New Orleans, are ongoing and emergency action must continue to be taken to slow the spread of COVID-19, protect the ability of public and private health care providers to handle the influx of new patients, and safeguard the public health and safety of the people of the City of New Orleans; and

WHEREAS, upon obtaining evidence of sustained positive trends in the public health data being gathered by state and local public health officials and evidence of improved capabilities of the public health system to test for and trace the spread of additional positive cases of COVID-19, the restrictions in the Emergency Orders imposed on April 15, 2020, can be eased; and

WHEREAS, as of May 14, 2020, evidence of sustained positive trends and improved capabilities is beginning to appear in the data, but the risk of a spike in COVID-19 cases or deaths necessitates the use of a phased approach to easing the restrictions in place, with flexibility provided to the public health professionals to immediately respond to circumstances in real time and adjust the restrictions if necessary, with adjustments based only on public health data, guidance of the CDC and state health department, or applicable law; and

WHEREAS, La. R.S. 29:727(F) authorizes the Mayor to “[c]ontrol ingress and egress to and from the affected area, the movement of persons within the area, and the occupancy of premises therein,” to “[s]uspend or limit the sale, dispensing, or transportation of alcoholic beverages . . . ,” and to “[s]uspend the provisions of any regulatory ordinance prescribing the procedures for conduct of local business, or the orders, rules, or regulations of any local agency, if strict compliance with the provisions of any ordinance, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency”; and

WHEREAS, La. R.S. 29:727(G) provides that “any person or representative of any firm, partnership, or corporation violating any order, rule, or regulation promulgated pursuant to this Chapter, shall be fined not more than five hundred dollars, or confined in the parish jail for not more than six months, or both”;

NOW THEREFORE, I, LaTOYA CANTRELL, Mayor and Chief Executive Officer of the City of New Orleans and the Parish of Orleans, by virtue of the authority vested in me as the Mayor of the City of New Orleans by the Constitution and laws of the State of Louisiana and the Home Rule Charter and laws of the City of New Orleans, do hereby promulgate and issue the following orders, which shall be effective May 16, 2020, commencing at 6:01 a.m. and remain in effect until terminated by Mayoral Proclamation.

1. The following orders shall remain in place unless they are eased in accordance with the phased-in approach authorized herein:
 - a. All public and private gatherings shall be canceled or prohibited in non-emergency situations and where possible. In limited circumstances, personal gatherings should be limited to the number of persons in a reasonable household size. This shall not apply to healthcare facilities, pharmacies, grocery stores, corner stores, banks, gas stations, and other essential service providers. Loitering outside of any of these essential service providers shall be prohibited. This order shall remain in place until Health Department regulations provide otherwise.
 - b. All Bars, Health Clubs (*e.g.*, gyms and fitness centers), Shopping Centers configured as malls (but not strip centers), Live Performance Venues, Reception Facilities, and other establishments where large

gatherings routinely occur and/or where the risk of possible COVID-19 spread exists, shall cease operations, until Health Department regulations provide otherwise.

- c. All Restaurants, as defined in the Comprehensive Zoning Ordinance, shall limit their operations to take out and delivery only, including the sale of alcohol in accordance with City and State issued permits, until Health Department and/or Department of Safety and Permits regulations provide otherwise.
- d. To the extent individuals are using shared or outdoor spaces, they shall at all times as reasonably possible comply with COVID-19 guidelines provided by the CDC and local and state health departments when they are outside their residence.

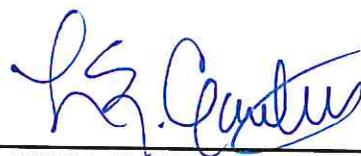
2. Pursuant to the authority provided to the Mayor of New Orleans in La. R.S. 29:727(F)(7) to “[c]ontrol ingress and egress to and from the affected area, the movement of persons within the area, and the occupancy of premises therein,” and in accordance with the authority provided to the Department of Health by Section 4-1202 of the Home Rule Charter of the City of New Orleans to “[a]dopt and enforce local health and sanitary regulations” and “institute measures for the control of epidemic, preventable and communicable disease,” I hereby order the Director of Health of the City of New Orleans to promulgate temporary regulations governing the movement of persons and the occupancy of premises within the City of New Orleans based on COVID-19 circumstances within the City of New Orleans and COVID-19 guidance from the CDC and state health department. Such temporary regulations shall also comply with the following provisions:

- a. The temporary regulations shall establish rules and procedures to safely and gradually ease restrictions in clearly delineated phases based on specific and verifiable public health milestones.
- b. Transitions between phases shall be effectuated via Public Health Advisory, which shall be given prompt and general publicity.

- c. The temporary regulations shall provide for the option to return to a phase with stricter restrictions if there is a spike in the number of COVID-19 cases or deaths or a sustained negative trend in the public health data that warrants such a return.
3. Pursuant to the authority provided the Mayor of New Orleans in La. R.S. 29:727(F)(7) to "[c]ontrol ingress and egress to and from the affected area, the movement of persons within the area, and the occupancy of premises therein," I hereby authorize and order the Department of Safety and Permits to promulgate temporary regulations governing the administration of the Comprehensive Zoning Ordinance ("CZO") and the occupancy of premises within the City of New Orleans in accordance with these orders and in conjunction with the temporary regulations promulgated by the Director of Health as authorized and directed herein. In order to allow businesses to reopen in compliance with spatial guidance from public health authorities, such temporary regulations may temporarily suspend provisions of the CZO or provide for temporary permits, or both, to accommodate the use of outdoor space, including public rights-of-way, but only in accordance with COVID-19 guidance from the CDC and state health department and applicable law.
4. The temporary regulations and any Public Health Advisory promulgated or issued as authorized herein shall have the effect of a temporary emergency order issued by the Mayor of the City of New Orleans as authorized by La. R.S. 29:727 and shall be given prompt and general publicity. Section 2-1000 of the City Code is hereby suspended relative to COVID-19-related departmental regulations promulgated pursuant to this Mayoral Proclamation.

The City Attorney is hereby directed to file this proclamation promptly in the office of the Clerk of Court and arrange for it to be given prompt and general publicity.

WITNESS my hand in New Orleans, Louisiana, this fifteenth (15th) day of May, 2020.



LaTOYA CANTRELL, MAYOR