VIOLATIONS OF ORDERS OF CURFEWS AND PROHIBITING ACTIVITIES IN THE CITY BY THE CITY MANAGER DURING A PROCLAIMED CIVIL EMERGENCY.

(a) *[Civil emergency defined.]* For purposes of this section, a "civil emergency" is defined as any emergency in the city defined as a civil emergency by § 45-17-1, Miss. Code Ann. (1972), including the following:

(1) A riot or unlawful assembly characterized by any use of force or violence disturbing the public peace, or any threat to use such force and violence, if accompanied by immediate power of execution, by two (2) or more persons acting together and without authority of law.

(2) Any natural disaster or manmade calamity including, but not limited to, hurricane, flood, conflagration, cyclone, tornado, earthquake or explosion within the geographic limits of the municipality resulting in the death or injury of persons, or destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.

(3) The destruction of property, or the death or injury of persons brought about by deliberate acts of one (1) or more persons acting either alone or in concert with others when such acts are a threat to the peace of the general public or any segment thereof.

(b) *[Curfew defined.]* For purposes of this section, a "curfew" is hereby defined as a prohibition against any person or persons walking, running, loitering, standing, sitting, lying or motoring upon any alley, street, public property or vacant premises within the corporate limits of the municipality except persons officially designated to duty with reference to said civil emergency or those lawfully on the streets as defined hereinafter.

(c) *[Chief Administrative Officer defined.]* For purposes of this section, "chief administrative officer" during a proclaimed civil emergency as referred to in title 45, chapter 17, Miss. Code Ann. (1972) is the city manager or in his absence, the mayor.

(d) *Proclamation of emergency.* After a state of emergency has been declared by the governing authority of the city, and during the period of the state of emergency pursuant to § 45-17-3, Miss. Code Ann. (1972), when, in the judgment of the chief administrative officer a civil emergency as defined herein is determined to exist, he shall forthwith proclaim in writing the existence of the same, a copy of which proclamation will be filed with the clerk of the city.

(e) *Curfew order.* After proclamation of a civil emergency by the chief administrative officer, he may order a general curfew applicable to such geographical areas of the city or to the city as a whole as he deems advisable, and applicable during such hours of the day or night as he deems necessary in the interest of the public safety and welfare. Said proclamation and general curfew shall have the force and effect of law and shall continue in effect until rescinded in writing by the

chief administrative officer, but not to exceed five (5) days. If the order does not specify geographic limits for which it applies, then it shall apply to the city as a whole.

(f) *Exemptions from curfew orders.* Curfews ordered under this section shall not apply to persons lawfully on the streets and public places during a civil emergency who have obtained written permission of the local chief of police or other law enforcement officer then in charge of municipal law enforcement, including the permission of the chief administrative officer, which permission shall be granted on good cause shown. This curfew shall not apply to medical personnel in the performance of their duties, or any employees of the city or of the city's contractors who are acting within the scope of their employment performing essential public service during the time of civil emergency.

(g) Order prohibiting activities. After proclamation of a civil emergency, the chief administrative officer may at his discretion, in the interest of public safety and welfare:

(1) Order the closing of all retail liquor stores in the city.

(2) Order the discontinuance of the sale of intoxicating liquor, and/or beer in the city.

(3) Order the discontinuance of the manufacture, transfer, use, possession or transportation of a Molotov cocktail or any other device, instrument or object designed to explode or produce uncontained combustion. This provision does not by implication legalize any unlawful use or possession of such explosives within the city at any time, whether or not during a proclaimed civil emergency.

(4) Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever.

(5) Issue such other orders as are necessary for the protection of life and property.

(h) *Violations of orders declared misdemeanors; penalties.* Any person violating the provision of orders issued by the chief administrative officer pursuant to this section during a proclaimed civil emergency shall be guilty of a misdemeanor and may be punished by a fine not exceeding three hundred dollars ($300.00) or six (6) months' imprisonment, or both such fine and imprisonment. These penalties shall not exceed the penalties that may be imposed under § 45-17-9. Miss. Code Ann. (1972), if amended.

Sources: § 45-17-1, Miss. Code Ann. (1972); § 45-17-3, Miss. Code Ann. (1972); § 45-17-9. Miss. Code Ann. (1972)

Immediate Passage and effect of this Ordinance is needed for the immediate and temporary preservation of the public peace and safety in accordance with Miss. Code§ 21-13-11 (Rev. 2007). Thus, this Ordinance was moved for adoption by Councilmember Knobloch, seconded by Councilmember Sislow, is adopted by unanimous vote of all members of the City Council of the City of Diamondhead and is effective from and after its passage by a unanimous vote of all members of the City Council.

In accordance with Miss. Code Ann. § 21-13-11 (Rev. 2007), this Ordinance shall become effective immediately upon the adoption thereof, and prior to being recorded and published in the ordinance book in the same manner as required by state law of other ordinances.

SO ORDAINED, this the 3rd day of May, 2016.

	Aye	Nay	Absent
Councilmember Lopez	✓		
Councilmember Woolbright	✓		
Councilmember Rech	✓		
Councilmember Sislow	✓		
Councilmember Knobloch	✓		
Mayor Schafer	✓		

(seal)

ATTEST:

Jeannie Klein, City Clerk

APPROVED:

Mayor Thomas E. Schafer, IV