



**CITY OF KENNER  
STATE OF LOUISIANA  
OFFICE OF THE MAYOR  
EMERGENCY PROCLAMATION  
NO.: 015 EBZ 2020**

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**STATE OF EMERGENCY FOR COVID-19  
EXTENSION OF EMERGENCY PRCLAMATION NO. 013 EBZ 2020**

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**WHEREAS** on March 11, 2020, the Governor of the State of Louisiana, in Emergency Proclamation Number 25 JBE 2020, declared a Public Health Emergency in response to the threat posed by COVID-19; and,

**WHEREAS** pursuant to the Charter of the City of Kenner, City of Kenner Code of Ordinances Sec. 6-1, the Louisiana Health Emergency Powers Act, La. R.S. 29:760, et seq., and the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R. S. 29:721, et seq. the Mayor declared, on March 13, 2020, a Public Health Emergency in Proclamation Number 001 EBZ 2020 in response to the threat posed by COVID-19; and,

**WHEREAS** the original proclamation issued by the Governor was further supplemented on March 14, 2020, March 16, 2020, March 19, 2020, March 22, 2020, March 26, 2020, March 31, 2020, April 30, 2020, May 15, 2020, June 25, 2020, July 23, 2020, August 6, 2020, and September 11, 2020, among others, in order to protect the health and safety of the public because the extraordinary threat posed by COVID-19; and,

**WHEREAS,** despite a slight uptick in reporting of positive cases over the last several days, the State's gating criteria is currently on the downward trajectory overall and, therefore, the State will move into Phase 3 of recovery on Friday, September 11, 2020; and

**WHEREAS** the original proclamation issued by the Mayor was supplemented by Proclamation Numbers 002 EBZ 2020, 002 EBZ 2020 Amended, 003 EBZ 2020, 004 EBZ 2020, 05 EBZ 2020, 006 EBZ 2020, 008 EBZ 2020, 010 EBZ 2020, 011 EBZ 2020, and 013 EBZ 2020; and,

**WHEREAS** it is necessary to renew certain provisions of Proclamation Numbers 001 EBZ 2020, 002 EBZ 2020, 002 EBZ 2020 Amended, 003 EBZ 2020, 004 EBZ 2020, 005 EBZ 2020, 006 EBZ 2020, 008EBZ 2020, 010 EBZ 2020, 011 EBZ 2020, and 013 EBZ 2020; and,

**WHEREAS** these measures are necessary to protect the health and safety of the people of the City of Kenner.

**NOW THEREFORE, I, E. "Ben" Zahn III,** Mayor of the City of Kenner, by virtue of the authority vested in me by the Charter of the City of Kenner, City of Kenner Code of Ordinances, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, and any other acts which may prevail, do hereby order and direct as follows:

**SECTION 1** Pursuant to the City of Kenner Code of Ordinances and the Louisiana Health Emergency Powers Act, La. R.S. 29:760, et seq., and the Louisiana

Homeland Security and Emergency Assistance and Disaster Act, La. R. S. 29:721, *et seq.*, a state of emergency is hereby declared to exist within and throughout the City of Kenner as a result of the novel coronavirus named SARS-CoV-2 and the respiratory disease cause by it known as Coronavirus Disease 2019 (COVID-19), which has created emergency conditions that threaten the lives and property of the citizens of the City of Kenner.

### **PHASE 3 ORDER**

#### **SECTION 2**

**A)** All individuals who are at higher risk of severe illness from COVID-19 should stay at home, unless travelling outside the home for an essential activity, such as:

- 1) Obtaining food, medicine, and other similar goods necessary for the individual or a family member of the individual.
- 2) Obtaining medical care and treatment and other similar vital services for an individual or a family member of the individual.
- 3) Going to and from an individual's workplace.
- 4) Going to and from the home of a family member.
- 5) Going to and from an individual's place of worship.
- 6) Engaging in outdoor activity, provided individuals maintain a distance of six feet from one another.

Those individuals who are at higher risk of severe illness, as designated by the Centers for Disease Control (CDC), are those individuals with conditions such as asthma, chronic lung disease, compromised immune systems (including from smoking, cancer treatment, bone marrow or organ transplantation, immune deficiencies, poorly controlled HIV or AIDS, or use of corticosteroids or other immune weakening medications), diabetes, serious heart disease (including heart failure, coronary artery disease, congenital heart disease, cardiomyopathies, and hypertension), chronic kidney disease undergoing dialysis, liver disease, or severe obesity or those who are 65 or older or living in a nursing home or a long term care facility.

#### **B) LIMITATIONS ON NONESSENTIAL BUSINESSES**

- 1) Except as provided for in Paragraph (4) of this Subsection, the following nonessential businesses shall remain closed to the public and members: places of public amusement, including but not limited to, locations with amusement rides, carnivals, amusement parks, splash pads, water parks, trampoline parks, arcades, fairs and festivals, children's play centers, indoor playgrounds, theme parks, concert and music halls.
- 2) Except as provided for in Paragraph (3) of this Subsection, no bar, with or without a food service permit from the Louisiana Department of Health, shall allow for on premises consumption of any food or drinks. However, any bar shall be allowed to provide for takeout through drive-thru or curbside delivery, including alcoholic beverages.
- 3) Bars shall be allowed to open for on premises consumption under the following conditions:
  - a) The bar must be located in a parish that has a

percent positivity of 5% or less for two consecutive weeks, as determined and published by the Louisiana Department of Health. The governing authority of the parish must affirmatively opt-in to allow on-premises consumption. Should any parish that opts in then subsequently exceed 10% positivity for two consecutive weeks, bars in that parish shall then closed for on-premises consumption, unless and until the percent positivity decreases to 5% or less for two consecutive weeks.

- b) No bar operating under this Paragraph shall exceed 25% occupancy, as set by the State Fire Marshal, or 50 patrons, whichever is less.
  - c) Outdoor service shall be allowed, but in no event can the outdoor seated capacity exceed 50 patrons in total. No standing room capacity shall be permitted.
  - d) All service of alcoholic beverages shall conclude by 10 p.m. and the bar shall be closed by 11 p.m.
  - e) All patrons shall be seated at tables, and all service shall be to patrons seated at tables. No walk-up service at the bar shall be allowed.
  - f) All seating of patrons shall be socially distanced.
  - g) No patron shall be allowed on premises unless of the legal age to purchase alcoholic beverages.
- 4) Any business enumerated in Paragraph (1) of this Subsection may submit a reopening plan with specific proposals for occupancy and sanitization to the State Fire Marshal. The State Fire Marshal is authorized to approve a reopening plan and allow for reopening. The State Fire Marshal shall further consult with the Louisiana Department of Health in reviewing any reopening plan. No occupancy limits authorized by the State Fire Marshal under this Subsection may exceed 50% occupancy.
- 5) Businesses closed to the public pursuant to Paragraphs (1) and (2) of this Subsection shall not be prohibited from conducting necessary activities such as payroll, cleaning services, maintenance or upkeep as necessary.

**C) CRITICAL INFRASTRUCTURE AND ESSENTIAL BUSINESSES**

All businesses outlined in the guidance from the Cybersecurity and Infrastructure Security Agency (CISA) as outlined in version 4.0 of that guidance may remain in full operation. All owners and employees at such businesses shall maintain moderate social distancing between themselves and members of the public and shall wear face coverings at all times if interacting with the public.

**D) OTHER BUSINESSES AND ORGANIZATIONS ALLOWED TO CONTINUE OPERATIONS**

- 1) Restaurants, Cafes, and Coffee Shops
  - a) All restaurants, cafes, and coffee shops shall be allowed to continue drive-up or curbside delivery service.

- b) All restaurants, cafes, and coffee shops shall be allowed to begin dine in service under the following conditions:
  - 1. No establishment shall exceed 75% of the total occupancy, while adhering to social distancing between dining parties, as determined by the State Fire Marshal.
  - 2. Waiting areas shall be closed. Members of the public should be required to make reservations or to wait outside, while maintaining social distancing, or in vehicles.
  - 3. All buffets or other common food stations shall remain closed for self-service. However, restaurants that operate buffet-style may provide dine-in service if a restaurant employee is stationed at the buffet to serve dine-in customers.
- c) Any business operating pursuant to this subsection shall follow the applicable guidance from the State Fire Marshal published at <https://opensafely.la.gov/> and the Louisiana Department of Health with regard to sanitization and disinfection.
- d) Service and sales of alcoholic beverages for on-premises consumption shall only occur between the hours of 8 a.m. and 10 p.m.

## 2. Beauty Shops, Salons, and Barbershops

All beauty shops, salons, and barbershops shall be allowed to operate under the following conditions:

- a. No establishment shall exceed 75% of the total occupancy, while adhering to social distancing between dining parties, as determined by the State Fire Marshal.
- b. Waiting areas shall be closed. Members of the public should be required to make reservations or to wait outside, while maintaining social distancing, or in vehicles.
- c. Any business operating pursuant to this subsection shall follow the applicable guidance from the State Fire Marshal published at <https://opensafely.la.gov/> and their applicable regulatory board or agency with regard to sanitization and disinfection.

## 3. Shopping Malls

All shopping malls shall be allowed to operate under the following conditions:

- a. Shopping malls may reopen at no more than 75% of the total occupancy as determined by the State Fire Marshal.
- b. Any store or business establishment in a shopping mall may reopen at no more than

75% of the total occupancy as determined by the State Fire Marshal, counting both the number of employees and members of the public present in the building at one time.

- c. Mall food courts may open in line with the restaurant guidance contained in Paragraph (1) of this Subsection and the restaurant guidance published at [opensafely.la.gov](https://opensafely.la.gov).
  - d. Any establishment in operation shall follow guidance from the Louisiana Department of Health with regard to sanitation and disinfection.
4. Churches and other faith-based organizations:
- a. No establishment shall exceed 75% of the total occupancy, while adhering to social distancing between households, as determined by the State Fire Marshal.
  - b. Outdoor services may continue pursuant to the May 1, 2020 guidance set forth by the State Fire Marshal.
  - c. Lobbies or other areas where members of the public may congregate (except for bathrooms) shall be closed to the public.
  - d. Any church or faith-based organization shall follow the applicable guidance from the State Fire Marshal published at [opensafely.la.gov](https://opensafely.la.gov).
  - e. Church and faith-based services shall not be limited by the crowd size restrictions contained in Subsection (E) herein.
5. Casinos, Racetracks, and Video Poker Establishments:
- a) No establishment shall exceed 50% of the total occupancy as determined by the State Fire Marshal.
  - b) No more than 75% of gaming positions shall be in use at any one time and all utilized gaming positions shall be at least 6 feet apart from one another, unless separated by physical barriers.
  - c) All establishments shall be required to have approved reopening plans from the Louisiana Gaming Control Board prior to reopening. Further, any plan to use physical barriers needs to be approved by the Louisiana Gaming Control Board.
  - d) All racetracks shall be required to have an approved reopening plan from the Louisiana Racing Commission prior to reopening.
  - e) Lobbies or other areas where members of the public may congregate (except for bathrooms) shall be closed to the public. Members of the public should be required to wait outside, while maintaining social distancing, or in vehicles.
  - f) Service and sales of alcoholic beverages for on-premises consumption shall only occur between the hours of 8 a.m. and 10 p.m.

6. Gyms and fitness centers:

- a) No establishment shall exceed 75% of the total occupancy, while adhering to social distancing between members of the public, as determined by the State Fire Marshal.
- b) Waiting rooms, lobbies, or other areas where members of the public may congregate (except for bathrooms) shall be closed to the public. Members of the public should be required to wait outside, while maintaining social distancing, or in vehicles.
- c) Any business operating pursuant to this subsection shall follow the applicable guidance from the State Fire Marshal published at <https://opensafely.la.gov/> and the Louisiana Department of Health with regard to sanitization and disinfection.

7. Athletic events:

- a) No stadium, sports complex, or arena hosting any athletic event, whether amateur or professional, shall exceed 25% of the total occupancy, while adhering to the maximum social distancing possible between spectators, as determined by the State Fire Marshal. Alcohol sales shall not be permitted inside the stadium, sports complex, or arena.
- b) Any event held pursuant to this Paragraph shall follow the applicable guidance from the State Fire Marshal published at [opensafely.la.gov](https://opensafely.la.gov/) and the Louisiana Department of Health with regard to social distancing, sanitization, and disinfection.
- c) Face coverings are required for all attendees and spectators.

8. Event centers and reception halls:

- a) No establishment shall exceed 50% of the total occupancy or 250 people, whichever is less, as determined by the State Fire Marshal. Events held pursuant to this Paragraph shall follow the restaurant guidance issued by the State Fire Marshal published at [opensafely.la.gov](https://opensafely.la.gov/). Specifically, patrons at such events shall be seated and socially distanced, and shall not congregate in groups outside of immediate household members.
- b) Waiting rooms, lobbies, or other areas where members of the public may congregate (except for bathrooms) shall be closed to the public. Members of the public should be required to wait outside, while maintaining social distancing, or in vehicles.
- c) Any business operating pursuant to this Paragraph shall follow the applicable guidance from the State Fire Marshal published at

opensafely.la.gov and the Louisiana Department of Health with regard to sanitization and disinfection.

- d) Service and sales of alcoholic beverages for on-premises consumption shall only occur between the hours of 8 a.m. and 10 p.m.
9. All other businesses or organizations shall be allowed to continue operations, subject to the following conditions:
- a) No establishment shall exceed 75% of the total occupancy, while adhering to social distancing between members of the public, as determined by the State Fire Marshal.
  - b) Waiting rooms, lobbies, or other areas where members of the public may congregate (except for bathrooms) shall be closed to the public. Members of the public should be required to wait outside, while maintaining social distancing, or in vehicles.
  - c) Any business operating pursuant to this subsection shall follow the applicable guidance from the State Fire Marshal published at <https://opensafely.la.gov/> and the Louisiana Department of Health with regard to sanitization and disinfection.
  - d) Service and sales of alcoholic beverages for on-premises consumption shall only occur between the hours of 8 a.m. and 10 p.m.
- E) To further prevent the spread of COVID-19, crowd sizes shall be limited to no more than 50% capacity as set by the State Fire Marshal with a maximum of 250 people in any single indoor space at the same time. Crowd sizes are limited to no more than 50% capacity as set by the State Fire Marshal with a maximum 250 people in any single outdoor space where individuals will be in close proximity to one another and unable to maintain strict social distancing of six feet apart from individuals who are not immediate household members. This crowd size limitation shall not apply to those businesses deemed essential as defined by the Cybersecurity and Infrastructure Security Agency or any businesses and organizations operating at 75% capacity pursuant to Paragraphs (1) through (6) of Subsection (D) of this Section.

### SECTION 3

### FACE COVERING ORDER

- A) Every individual in the City of Kenner shall wear a face covering over the nose and mouth when inside a commercial establishment or any other building or space open to the public, whether indoor or outdoor. This shall include public or commercial modes of transportation.
- B) This requirement does not apply to the following:
  - 1) Any individual who will not come in contact with any other individual (outside of their immediate household members) or who will be able to maintain strict social distancing of six feet apart from any other individual (outside of their immediate household members);

- 2) Any child under the age of eight, however all children between the ages of two and seven years old are strongly encouraged to wear a face covering in accordance with Subsection (A) of this Section;
  - 3) Any individual with a medical condition that prevents the wearing of a face covering;
  - 4) Any individual who is consuming food or drinks;
  - 5) Any individual seeking to communicate with someone who has or is suspected of having a communication disorder;
  - 6) Any individual giving a speech for broadcast or to an audience;
  - 7) Any individual temporarily removing his or her face covering for identification purposes; and
  - 8) Any athlete participating in organized athletic activities.
- C)** All businesses or organizations, including all offices of the City of Kenner, and all other governmental offices, shall require all persons who enter the premises to wear a face covering, unless the individual is not required to wear a face covering pursuant to Section 3(B) of this order.
- D)** Citations under this Section shall be written only to businesses or organizations, other than religious organizations, that fail to enforce the requirement to wear face coverings. Operators of businesses and organizations are entitled to rely on the representations of their customers, patrons, or employees regarding whether or not they qualify for an exception from the face covering requirements. Businesses and organizations that rely on such a representation shall not be deemed to be in violation of this Emergency Proclamation.
- E)** If a business or organization does not allow entry to a worker, customer, or patron because that person refuses to wear a face covering, and if that worker, customer, or patron enters the premises or refuses to leave the premises, law enforcement personnel may enforce the trespassing laws and any other laws that the worker, customer, or patron may violate.

## **EXTENSION OF EMERGENCY PROVISIONS**

**SECTION 4**    **A)** Most City buildings remain closed to the public. Certain specifically identified City Buildings will be open to limited access by the public. However, all City of Kenner departments shall remain open and all governmental functions shall continue.

**B)** The Mayor of the City of Kenner may enact special screening and entry measures at any City of Kenner facility, event or location, to include, but not be limited to: erecting signage and special instructions, markings, barriers, screening measures, including temperature checks, and other reasonable methods or protocols recommended in accordance with CDC and LDH guidance. All visitors to City of Kenner facilities will be required to comply with these measures in order to gain access to and remain within public facilities or events operated by the City of Kenner. Furthermore, employees of the City of Kenner will be required to comply with testing measures outlined by the Human Resources Department enacted to protect public health and safety.

**SECTION 5**    **A)** In accordance with the Governor's Proclamation 118 JBE 2020, suspension of the Louisiana Procurement Code (La. R.S. 39:1551, et seq.) and the Louisiana Public Bid Law (La. R.S. 38:2211, et seq.) and their corresponding rules and regulations are continued for the purpose of the procurement of any goods and services necessary to respond to this emergency.

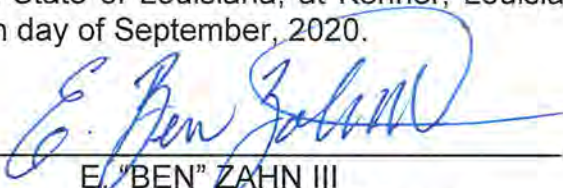


- B) Pursuant to La. R.S. 29:732(A), prices charged or value received for goods and services sold may not exceed the prices ordinarily charged for comparable goods and services in the same market area at or immediately before the time of the state of emergency, unless the price by the seller is attributable to fluctuations in applicable commodity markets, fluctuations in applicable regional or national market trends, or to reasonable expenses and charges and attendant business risk incurred in procuring or selling the goods or services during the state of emergency.
- C) In accordance with the Governor's Proclamation 118 JBE 2020, for procurement and contracting, strict compliance with the Louisiana Procurement Code (La. R.S. 39:1551, et seq.), Telecommunications Procurement (La. R.S. 39:1751-1755), and Information Technology Procurement (La. R.S. 39:196-200), shall not be required. However, all departments should continue to comply with the following conditions:
- 1) The City Attorney must determine that the failure to strictly comply with the statutory restriction is necessary due to the emergency.
  - 2) The Chief Financial Officer must monitor all transactions conducted without strict statutory compliance, maintaining copies of all documentation. Documentation should specify whether the purchase falls into the "emergency" or "permanent" category and whether the purchase relates to the COVID-19 event referenced in Proclamation Number 001 EZB 2020 and all documentation must be maintained and available for audit and FEMA reimbursement purposes.
  - 3) Written competitive quotes and/or offers must be obtained whenever possible and agencies must take the necessary steps to assess that fair and equitable pricing is being offered.
  - 4) Performance-based contracting should be used where practical.
  - 5) Statewide and/or Parish wide contracts should be used where practical.
  - 6) To the maximum extent possible, such emergency contracts should be only for the duration of the emergency or to allow the City time to comply with normal competitive bidding requirements if the goods or services will be required for an extended period of time.
  - 7) Payments to contractors should be made only after verification that all goods and services meet contract requirements.
  - 8) All Public Bid Openings shall be suspended. Bid openings will continue, however public openings will not occur in order to limit the potential for exposure. Bid openings will be made available via phone conference or web conference.

**SECTION 6** Emergency Proclamations 011 EBZ 2020 and 013 EBZ 2020 are replaced and superseded by Emergency Proclamation 015 EBZ 2020.

**SECTION 8** Unless otherwise provided in this order, these provisions are effective from September 14, 2020 to October 13, 2020, or as extended by any subsequent Proclamation, unless terminated sooner.

**IN WITNESS WHEREOF**, I have set my hand officially and caused to be affixed the Great Seal of the City of Kenner, State of Louisiana, at Kenner, Louisiana, on this 14th day of September, 2020.

  
E. BEN ZAHN III  
Mayor of the City of Kenner