



**CITY OF KENNER  
STATE OF LOUISIANA  
OFFICE OF THE MAYOR  
EMERGENCY PROCLAMATION  
NO.: 004 EBZ 2021**

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**STATE OF EMERGENCY FOR COVID-19  
MODIFIED PHASE 2 OF RESILIENT LOUISIANA AND EXTENSION OF  
EMERGENCY PROVISIONS**

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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, September 11, 2020, October 8, 2020, November 5, 2020, November 24, 2020, February 9, 2021, March 2, 2021, and March 30, 2021 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, 013 EBZ 2020, 015 EBZ 2020, 016 EBZ 2020, 017 EBZ 2020, 020 EBZ 2020, 021 EBZ 2020, 022 EBZ 2020, 001 EBZ 2021, and 002 EBZ 2021, and 003 EBZ 2021; and,
- WHEREAS** on March 30, 2021, the Governor issued Emergency Proclamations No. 066 JBE 2021 and No. 067 JEB 2021 extending the move of the State of Louisiana into Phase 3 Order effective March 30, 2021 and it is necessary for Kenner to move the City of Kenner into Phase 3 in conformity with the Governor's orders; 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.

**SECTION 2**

**PHASE 3 ORDER**

**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 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 long-term care facility.

This Subsection does not apply to any individuals who are fully vaccinated (someone who is at least two weeks beyond receiving a full administration of covid-19 vaccine).

**B) BUSINESSES AND ORGANIZATIONAL MITIGATION MEASURES**

- 1) Restaurants, Cafes, and Coffee Shops
  - a) All restaurants, cafes, and coffee shops shall be allowed to provide dine-in service under the following conditions:
    - i) 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.
    - ii) 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.

- b) Any business operating 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 sanitization and disinfection.

## 2) Beauty Shops, Salons, and Barber Shops

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

- a) 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.
- b) Any business operating pursuant to this Paragraph shall follow the applicable guidance from the State Fire Marshal published at [opensafely.la.gov](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) 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).
- b) Any establishment in operation shall follow guidance from the Louisiana Department of Health with regard to sanitization and disinfection.

## 4) Casinos, Racetracks, and Video Poker Establishments

- a) 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.

## 5) Gyms and fitness centers:

- a) 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.
- b) Any business operating 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 sanitization and disinfection.

## 6) Athletic Events

- a) No stadium, sports complex, or arena hosting any athletic event, whether amateur or professional, shall exceed 50% of the total occupancy, while adhering to the maximum social distancing possible between spectators, as determined by the State Fire Marshal.
- b) Alcohol sales shall be permitted at athletic events under the following conditions:
  - i) All patrons purchasing an alcoholic beverage shall be required to return to their ticketed seats for consumption and shall not be allowed to stand or congregate in open areas to consume alcohol.

- ii) Crowd managers and signage shall be utilized to instruct patrons that alcohol beverages shall be consumed at the patron's ticketed seat and shall not occur while standing or congregating in open areas.
  - iii) Alcohol shall not be sold to a patron who is not wearing a face covering.
  - iv) The stadium, sports complex, or arena shall further comply with any guidance or regulations from the State Fire Marshal or the Commissioner of Alcohol and Tobacco Control.
  - v) This provision does not supersede any local governmental restrictions regarding alcohol sales at athletic events.
- c) 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.
  - d) Face coverings are required for all attendees and spectators.

7) Event centers and reception halls

- a) No establishment shall exceed 50% of the total occupancy or 500 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](https://opensafely.la.gov) and the Louisiana Department of Health with regard to sanitization and disinfection.

8) Bars

- a) All patrons shall be seated at tables. Walk-up service at the bar may resume, however patrons shall return to their table for consumption.
- b) All seating of patrons shall be socially distanced.
- c) No patron shall be allowed on premises unless of the legal age to consume alcoholic beverages.
- d) Any businesses operating pursuant to this Paragraph shall follow the applicable guidance from the State Fire Marshal published at [opensafely.la.gov](https://opensafely.la.gov), the Commissioner of Alcohol and Tobacco Control, and the Louisiana Department of Health with regard to sanitization and disinfection.

9) Conventions and conferences

- a) No establishment shall exceed 50% 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 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 sanitization and disinfection.

10) All other businesses or organizations shall be allowed to continue operations, subject to the following conditions:

- a) 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.
- b) Any business operating 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 sanitization and disinfection.

F) To further prevent the spread of COVID-19, crowd sizes shall be limited to no more than a maximum of 500 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 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 religious services held by churches and other faith-based organizations.

### 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 all public or commercial modes of transportation. This order shall apply statewide.
- 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.

#### **SECTION 4                    EXTENSION OF EMERGENCY PROVISIONS**

- 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 30 JBE 2021, 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 30 JBE 2021, 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

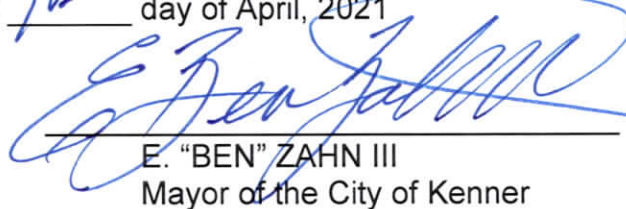
departments should continue to comply with the following conditions:

- 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 Proclamation 003 EBZ 2021 is replaced and superseded by Emergency Proclamation 004 EBZ 2021.

**SECTION 7** Unless otherwise provided in this order, these provisions are effective from Saturday, April 03, 2021 until Saturday, May 01, 2021 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 1<sup>st</sup> day of April, 2021

  
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E. "BEN" ZAHN III  
Mayor of the City of Kenner