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EMERGENCY LOCAL CHIEF EXECUTIVE ORDER

ORDER: No. 2

ISSUED: April 16, 2020

BY: Joseph P. Ganim, Mayor

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**MANDATORY USE OF FACE COVERINGS IN CITY PARKS, PARKLAND,
OTHER PUBLIC PROPERTIES FOR PASSIVE RECREATIONAL USAGE
AND IN RETAIL BUSINESS ESTABLISHMENTS**

WHEREAS, the World Health Organization (WHO) has declared the COVID-19 worldwide outbreak to be a "pandemic"; and its Director General has declared that containment is as important as treatment in managing this coronavirus pandemic; and

WHEREAS, on January 31, 2020, the U.S. Secretary of Health and Human Services (HHS) declared a public health emergency under section 319 of the Public Health Service Act (42 U.S.C. 247d) in response to COVID-19; and

WHEREAS, as of the time of this Declaration, the City of Bridgeport has been linked through employment, residency or hospitalization to numerous confirmed cases of coronavirus, with the State of Connecticut and Fairfield County in particular, having been deemed virus "hotspots", with coronavirus cases substantially exceeding the national average; and

WHEREAS, on March 10, 2020, Connecticut Governor Ned Lamont issued a Declaration of Civil Preparedness and Public Health Emergency for the State of Connecticut, pursuant to Connecticut General Statutes, Sections 19a-131 and 28-9, thereby granting the Mayor of Bridgeport significant emergency powers and authorizations; and

WHEREAS, on March 13, 2020, President of the United States Donald J. Trump issued a Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak; and

WHEREAS, on March 17, 2020 Bridgeport CT Mayor Joseph P. Ganim Proclaimed and Ordered a Declaration of Local State of Emergency due to the COVID-19 pandemic and pursuant to his authority under Connecticut General Statutes, Sections 28-1 and 28a, and Bridgeport City Charter (including but not limited to Chapter 3, Section 1) and Bridgeport Code of Ordinances, Sections 10.28.030 and 2.02.070; and

WHEREAS, COVID-19 and the civil preparedness and public health emergency it spawned has also created an economic, financial and fiscal emergency for the City of Bridgeport; and

WHEREAS, since March 12, 2020, Governor Lamont has issued multiple (at least 28) COVID-19 based Executive Orders - Nos. 7 through 7AA to date; and

WHEREAS, on March 16, 2020 Governor Lamont issued Executive Order No. 7D *Protection of Public Health and Safety During COVID 19 Pandemic and Response – Crowd Reduction and Social Distancing*; and

WHEREAS, on March 22, 2020 Governor Lamont issued Executive Order No. 7N *Protection of Public Health and Safety During COVID 19 Pandemic and Response – Increased Distancing, Expanded Family Assistance, and Academic Assessment Suspension*; and

WHEREAS, on March 31, 2020 Governor Lamont issued Executive Order No. 7X *Protection of Public Health and Safety During COVID 19 Pandemic and Response – Renter Protections, Extended Class Cancellation and Other Safety Measures, Educator Certification, Food Trucks for Truckers*; and

WHEREAS, it is vitally important that local chief executive officer have, and exercise all powers and authorities necessary and available to limit the spread of the COVID-19 and to protect public health and safety within their jurisdictions; and

WHEREAS, Connecticut General Statutes, Section 28-8a provides that the “chief executive officer of the municipality in which a major disaster or emergency occurs, or his designee, may take such action as he deems necessary to mitigate the major disaster or emergency and to secure and preserve any documents and evidence pertinent to and necessary for a future investigation”; and

WHEREAS, the Charter of the City of Bridgeport, Chapter 3, Section 1, names the Mayor as the chief executive officer with ultimate operational control of all City departments and agencies; and

WHEREAS, the Charter of the City of Bridgeport, Chapter 3, Section 1 provides: (1) “the Mayor shall take care that the laws are executed and enforced within the city; shall be the conservator of the peace [within the city; shall have and may exercise, within the limits of the

city, all the powers given the sheriffs or other officers as provided by law; and shall exercise ultimate operational control of all departments and agencies of the city”; (2) “[i]t shall be the duty of the Mayor to recommend the adoption of all such measures connected with police, fire, and public safety, public health and social services...” ; and (3) “[t]he Mayor shall have authority to perform such acts and duties as may be prescribed in this Charter or by the laws of this state or the United States or by the ordinances of the city of Bridgeport”; and

WHEREAS, the Bridgeport Code of Ordinances, authorize the Mayor to declare a state of emergency thereby placing the City’s emergency operation plan into effect (Section 10.28.030), and in the event of any natural disaster, or potentially dangerous situation authorize the Mayor to declare any area, building or dwelling a prohibited area for the purpose of preventing personal injury (Section 2.02.070); and

WHEREAS, as a consequence of the continued spread of COVID-19 and in support of the issuance of declarations of a public health emergency and civil preparedness emergency by Governor Lamont, and a national emergency by President Trump, and the spread of COVID-19 to a growing number of Connecticut (and in particular Fairfield County) residents, the Chief Executive Officer of the City of Bridgeport, Connecticut, Mayor Joseph P. Ganim, intends to exercise all reasonable and necessary legal authority on the local municipal level to aid, support and assist implementation of, and compliance with, Governor Lamont’s various executive orders; and

WHEREAS, Governor Lamont’s Executive Order No. 7H states in part: “. . . 2. Coordinated Response Effort. Effective immediately and for the duration of the public health and civil preparedness emergency, notwithstanding Section 28-8a of the Connecticut General Statutes, in order to ensure the coordinated, clear and expeditious execution of civil preparedness functions for the protection of the public health, and pursuant to my emergency powers, including but not limited to Section 28-9(b) of the Connecticut General Statutes, no municipal chief executive officer or designee may enact or enforce any order that conflicts with any provision of any of my Executive Orders or an order issued by an executive agency pursuant to the existing public health and civil preparedness emergency, or issue any shelter-in-place order or order prohibiting travel, unless they first seek and receive written permission from the department of Emergency Services and Public Protection. . .”

WHEREAS, due to the significant adverse impact on public health of COVID-19, and the acceleration of the spread of the disease, the Mayor of the City of Bridgeport must act at the local government level for the purpose of ensuring civil preparedness and mitigating the adverse effects of this emergency upon the residents of the City of Bridgeport; and

WHEREAS, among best practices and prescribed measures of mitigation during this public health emergency both as prescribed by health care professionals and/or Governor Lamont’s various Executive Orders No. (no. 7 series) is social distancing combined with non-essential business and facility closures, and the wearing of masks or cloth face coverings in public places where social distancing is difficult to establish or maintain; and

WHEREAS, the duties assigned by the City Charter to the Mayor of the City of Bridgeport invest in the Mayor the jurisdiction, duty and responsibility to cause the City's Charter and ordinances and other laws to be executed and enforced; and to conserve the peace within the City; and to be responsible for the proper and efficient operation of government of the City; and

WHEREAS, it is in the best interests of the City of Bridgeport and its residents to promote public health and to ensure civil preparedness, to minimize the substantial adverse health, safety, and economic, financial and fiscal impacts and threats created by the current public health emergency and civil preparedness emergency posed by the spread of COVID-19; and

WHEREAS, the City of Bridgeport's local government must do its part, and exercise its lawful powers, to keep the general public and itself as safe, healthy, economically effective, financially solid and fiscally sound as reasonably possible in view of the COVID-19 emergency; and

NOW, THEREFORE, IT IS HEREBY PROCLAIMED AND ORDERED that pursuant to the Connecticut General Statutes (including but not limited to Sections 28-1 and 28-8a); the Charter (including but not limited to Chapter 3, Section 1) and Code of Ordinances (including but not limited to Sections 10.28.030 and 2.02.070) of the City of Bridgeport; and in response to: the civil preparedness and public health emergency now facing the nation, the State and the City of Bridgeport; and the State of Connecticut Governor's March 10, 2020 Declaration of Civil Preparedness and Public Health Emergency; and the Governor's various Executive Orders No. 7 through No. 7AA; and the City of Bridgeport Mayor's March 17, 2020 Proclamation and Order Declaring a Local State of Emergency; and the Mayor's Emergency Local Chief Executive Orders previously issued; that all persons within the City of Bridgeport are urged to stay at home and only leave their residences for essential business or to obtain necessary medicines or groceries, etc.; and when venturing outside the confines of their homes, are urged to wear a face mask, scarf or other appropriate facial covering at all times in accordance with the Center for Communicable Diseases (CDC) and other federal and/or State of Connecticut guidelines, to prohibit the contraction of, or the spread of, the coronavirus.

NOW THEREFORE, IT IS FURTHER PROCLAIMED AND ORDERED that all persons entering into the City's parks, parkland or other public properties for passive recreational usage (consistent with the terms and conditions set forth in Emergency Local Chief Executive Officer Order No. 1 – *Public Gatherings in the City of Bridgeport Inconsistent with the Orders of Governor Ned Lamont*, issued March 26, 2020, which officially closed to the public for all vehicular traffic, team sports and other group activities; but permitted them to remain available for walking, jogging, bicycling and other similar type individual health and recreational activities only) – are required to wear face coverings over their noses and mouths, to inhibit the contraction of, or the spread of, the coronavirus.

Face coverings are not required to be medical-grade masks or N95 respirators, but rather may be non-medical grade masks, cloth masks, or other fabric coverings, such as scarves and bandanas, in accordance with the Center for Communicable Diseases (CDC) and other federal and State of

Connecticut guidelines. The use of medical-grade masks or N95 respirators is discouraged because those masks are or may be in short supply and should be reserved for health-care personnel or first responders.

NOW THEREFORE, IT IS FURTHER PROCLAIMED AND ORDERED that all workers in essential retail businesses, including grocery stores and big-box stores or wholesale clubs that also sell foods or beverages; restaurants and hotels where food is prepared, pharmacies, gas stations, convenience stores, *bodegas* and liquor/package stores must wear face coverings over their noses and mouths while performing their work.

Face coverings are not required to be medical-grade masks or N95 respirators, but rather may be non-medical grade masks, cloth masks, or other fabric coverings, such as scarves and bandanas, in accordance with the Center for Communicable Diseases (CDC) and other federal and State of Connecticut guidelines. The use of medical-grade masks or N95 respirators is discouraged because those masks are or may be in short supply and should be reserved for health-care personnel or first responders.

All workers required to wear these face coverings must wash any reusable face coverings at least once a day. Face coverings for employees required under this order must be provided by the employers, although an employee may provide his or her own face covering.

All customers and visitors of retail businesses subject to this order must wear face coverings over their noses and mouths to provide additional protection for employees and customers. Face coverings need not be medical-grade masks or N95 respirators but may be non-medical grade masks, cloth masks, or other fabric coverings, such as scarves and bandanas, in accordance with the Center for Communicable Diseases (CDC) and other federal and State of Connecticut guidelines.

An owner or operator of a retail business subject to this order may refuse admission or service to any individual who fails to wear a required face covering.

Owners and operators of retail business subject to this order shall use proper sanitization practices to sanitize frequently used and touched items and infrastructure within stores and provide proper hand washing and sanitizing materials for employees as recommended by the CDC and other federal and/or State of Connecticut guidelines.

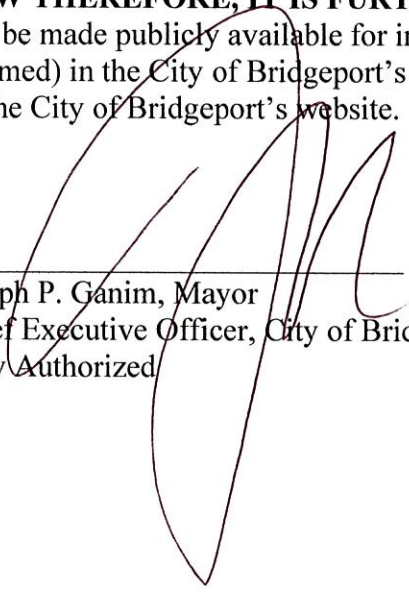
NOW THEREFORE, IT IS FURTHER PROCLAIMED AND ORDERED that pursuant to authority granted the chief executive officer of a municipality under Connecticut General Statutes, Section 28-8a, the City of Bridgeport's Health Director, Chief of Police, Fire Chief, Chief Administrative Office and any other appropriate City officials and employees are designated to take such action as each deems reasonably necessary to further the implementation and enforcement of this order and to mitigate the major disaster or emergency and to secure and

preserve any documents and evidence pertinent to and necessary for a future investigation, so long as such actions are consistent with the executive orders issued by the Governor and Mayor.

NOW THEREFORE, IT IS FURTHER PROCLAIMED AND ORDERED that this order shall remain in effect until May 15, 2020, (the "effective period") unless amended, extended or earlier terminated.

NOW THEREFORE, IT IS FURTHER PROCLAIMED AND DECLARED that in the event, and to the extent, any of this order is determined to conflict with any executive order issued by the Governor of the State of Connecticut, or by any of his executive agencies, this order to the extent necessary to comply with such orders by the State of Connecticut shall be deemed null and void.

NOW THEREFORE, IT IS FURTHER PROCLAIMED AND ORDERED that this order will be made publicly available for inspection and review during regular business hours (once resumed) in the City of Bridgeport's Office of the City Clerk; and shall be posted promptly now on the City of Bridgeport's website.



Joseph P. Ganim, Mayor
Chief Executive Officer, City of Bridgeport
Duly Authorized

Dated: April 16, 2020