

EXECUTIVE ORDER NO. 2020-5

WHEREAS, the City of Hattiesburg has declared an Emergency Declaration in response to the COVID-19 outbreak and in cases of pandemic, leaders must make strategic and operational decisions;

WHEREAS, the City of Hattiesburg has conferred with leaders from Forrest General Hospital, Hattiesburg Clinic and Merit Health Wesley throughout the COVID-19 outbreak; and has received further guidance from the Mississippi State Department of Health (MSDH), the Centers for Disease Control (CDC), Cybersecurity & Infrastructure Security Agency (CISA) and Executive Orders 1463, 1466, 1473 and 1477 from Governor Tate Reeves in regards to essential and nonessential services;

WHEREAS, the CDC points to recent studies where a "significant portion of individuals with coronavirus lack symptoms ("asymptomatic") and that even those who eventually develop symptoms ("pre-symptomatic") can transmit the virus to others before showing symptoms. This means that the virus can spread between people interacting in close proximity—for example, speaking, coughing, or sneezing—even if those people are not exhibiting symptoms";

WHEREAS, the CDC and the MSDH recommend wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain and in areas of significant community-based transmission;

WHEREAS, COVID-19 continues to pose a threat to public health, life and safety of citizens of Hattiesburg, with 207 positive cases and 12 deaths to date in Forrest County and 103 positive cases and 2 deaths to date in Lamar County;

NOW, THEREFORE, I, Toby Barker, Mayor of the City of Hattiesburg, pursuant to the authority vested in me by the State of Mississippi pursuant to *Miss. Code Ann.* Section 33-15-17 (c) (7) and *Miss. Code Ann.* Section 21-19-3 and all other applicable statutes, and in an effort to slow the spread of COVID-19 and to make common sense policy and operational decisions to that end, hereby issue the following executive order to slow the spread of COVID-19, to take effect 5 p.m. on May 1, 2020 and be enforced until 8 a.m. on May 31, 2020.

SECTION 1: MASKS FOR ESSENTIAL AND NONESSENTIAL RETAIL

- All employees of essential businesses and all employees of nonessential businesses shall wear a mask when working in or moving about the same workspace as other employees or working in or moving about the same room as the public.
- All employees of parcel, food or grocery delivery services (including, but not limited to FedEx, UPS, DoorDash, Uber Eats, Wal Mart Grocery Delivery, InstaCart, Waitr,) shall wear a mask when making deliveries to a home or business.
- All customers age 6 or over shall wear a mask while inside an essential or nonessential retail establishment.
- For purposes of this executive order, "mask" shall be defined as any face covering; including, but not limited to, fabric masks, homemade linen or cloth masks, household dust masks, handkerchief, scarf, surgical mask, KN95 mask or N95 mask.
- The above order does not obligate an employer to purchase a certain type of mask for employees or the public.
- Nothing in this order shall prevent a business from implementing a more restrictive policy in terms of masks or others measures to contain and prevent transmission of COVID-19.
- This order shall not apply to customers who have trouble breathing or are unconscious, incapacitated or otherwise unable to remove the mask without assistance; anyone with a disability; or anyone with a medical condition for whom wearing a mask is not recommended by their healthcare professional.
- Retail establishments are encouraged to post notice of the requirement for customers to wear masks at each public entrance of the store and to provide reasonable oversight of their customers to ensure compliance.
- The above rule shall not apply to "essential healthcare operations" as defined in Governor Reeves' Executive Order 1463. These operations shall continue with protocols regarding personal protective equipment that adhere to CDC guidelines, medical best practices and institutional policy.

SECTION 2: NONESSENTIAL RETAIL

- Nonessential retail stores (i.e. electronics stores, clothing stores, tobacco stores, florists, furniture stores, bookstores, jewelry stores) shall implement systems to limit access to a certain number of customers at one time in the store. This limit shall correspond to the square footage in their sales area.
 - Sales areas between 0-5,000 sq. ft. – 10 or fewer customers
 - Sales areas between 5,001 and 10,000 sq. ft. – 20 or fewer customers
 - Sales areas between 10,001 sq. ft. and 15,000 sq. ft. – 30 or fewer customers
 - Sales areas between 15,001 sq. ft and 20,000 sq. ft – 40 or fewer customers
 - Sales areas above 20,000 sq. ft. – 50 or fewer customers
- Nonessential retail should work to not allow lines to form outside their entrances. However, if stores are unable to prevent lines, they shall implement appropriate social distancing measures to keep waiting customers at least six (6) feet apart.
- Nonessential retail stores shall provide at least six (6) feet of space between customers in and around checkout lines and discourage clustering of customers in various parts of the store.
- For purposes of this executive order, "nonessential retail" shall be defined as any retail operation not defined as "Essential Retail" in Governor Reeves' Executive Order 1463.

SECTION 3: EXTENSION OF EXECUTIVE ORDER 2020-3 - FINANCIAL INSTITUTIONS AND ESSENTIAL RETAIL

- All financial institutions (banks and companies handling insurance, payroll, accounting, investment and other financial services) shall limit public access to the building's interior through and by appointment only. Banks can continue drive through service to customers.
- Gas stations, laundromats, automotive/bicycle repair shops, liquor and beer stores and corner stores limit access to 10 or fewer customers at one time.
- Grocery stores, dollar stores, convenience stores, pharmacies and hardware/building material stores should implement systems to limit access to a certain number of customers at one time in the store. This limit should correspond to the square footage in their sales areas. Guidelines for these ratios have been sent to each store.
- Grocery stores, convenience stores, pharmacies and hardware/building material stores should work to not allow lines to form outside their entrances. However, if stores are unable to prevent lines, they shall implement appropriate social distancing measures to keep waiting customers at least six (6) feet apart.
- Grocery stores, convenience stores, pharmacies and hardware/building material stores will provide at least six (6) feet of space between customers in and around checkout lines.
- Grocery stores, dollar stores, convenience stores, pharmacies and hardware/building material stores should take steps to discourage clustering of customers in sales areas.

SECTION 4: EXTENSION OF EXECUTIVE ORDER 2020-3 – BARBER SHOPS, SALONS, SPAS, NAIL SALONS, TATOO SHOPS AND MASSAGE PARLORS

- All spas, nail salons, tattoo shops and massage parlors shall remain closed.
- All barber shops and salons shall remain closed.

SECTION 5: EXTENSION OF EXECUTIVE ORDER 2020-2 – RESTAURANTS, BARS, ENTERTAINMENT, GATHERINGS, FUNERALS AND FITNESS CENTERS

- All restaurants located in the City of Hattiesburg, with or without drive-in or drive-through services, may only provide take-out, pick-up, delivery, or drive-through services as allowed by law. There shall be no in-house dining or available sitting areas for the public.
- Bars, taverns, lounges and nightclubs shall remain closed, except to the extent that such establishments may only provide take-out, pick-up, delivery, or drive-through services for food as allowed by law.
- Public and common areas in malls, including food courts, shall remain closed.
- Entertainment venues, such as skating rinks and bowling alleys, shall remain closed.
- Movie theaters shall remain closed.
- All dance hall permits remain suspended.
- There shall be no gatherings of more than 10 people for any event. This includes, but is not limited to, church services, weddings, concerts and other entertainment events.
- Funerals shall also be limited to 10 or fewer people. Graveside services are encouraged; however, indoor services and viewings are permitted, as long as there are 10 or fewer people inside at one time. Funeral home directors are encouraged to livestream services for those who cannot attend. Funeral home directors should also follow all CDC guidelines as it relates to visitations, viewings and funerals.
- All gyms and fitness centers shall remain closed.

SECTION 6: ENFORCEMENT

This executive order shall be enforced, including penalties for the violation thereof as authorized by statute, by the Hattiesburg Police Department, the Hattiesburg Fire Department, other local enforcement or other city department.

SECTION 7: PREEMPTION BY GOVERNOR REEVES' EXECUTIVE ORDER

If any part of this Order made during the COVID-19 State of Emergency in the City of Hattiesburg is found and deemed to be in conflict with Executive Orders 1463, 1466, 1473 and/or 1477 or any subsequent Executive Order of Governor Tate Reeves, the remaining parts of this Order not found to be in conflict shall remain in full force and effect.

This executive order (EXECUTIVE ORDER 2020-5) supersedes and amends Executive Orders 2020-1, 2020-2, 2020-3 and 2020-4.

SO ORDERED on this 30th day of April, 2020.


 Toby Barker, Mayor, City of Hattiesburg, Mississippi

ATTEST: 
 Kermas Eaton, City Clerk