

EXECUTIVE ORDER NO. 2021-1

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 and 1466 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 State Health Officer has reported that data from certain jurisdictions and regions of the state (a) indicate periods of higher numbers of new cases over shorter periods of time accounting for larger percentage of the State's overall case count, (b) have higher percent incidence of positive cases per number of tests performed, (c) show evidence of shared workforce between jurisdictions with common risk factors, and (d) have other public health indicators reflecting on-going community transmission; and

WHEREAS, COVID-19 continues to pose a threat to public health, life and safety of citizens of Hattiesburg, with 5870 positive cases and 117 deaths to date in Forrest County and 4753 positive cases and 63 deaths to date in Lamar County;

WHEREAS, on October 19th, 2020, Governor Tate Reeves issued Executive Order 1527 identifying eight (8) counties, including Forrest and Lamar counties, that are at high risk for transmission of COVID-19; accordingly, the implementation of additional jurisdiction specific measures are necessary to disrupt the spread of COVID-19 within those Counties to address and further limit person to person contact and other health and safety measures.

WHEREAS, on September 30, 2020 Governor Reeves issued Executive Order 1525 stating "Nothing in this Executive Order shall limit or alter the authority of any local or county authority from adopting orders, rules, regulations, resolutions, and actions that are more strict than established herein, including face covering requirements";

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 at 5 p.m. on January 15 and remain in effect and enforced until 5 p.m. on February 4, 2021.

SECTION 1: MASKS AND SOCIAL DISTANCING FOR BUSINESSES, EMPLOYEES AND CUSTOMERS

Customers shall wear a mask or face covering, covering nose and mouth, while inside businesses and business operations, except face coverings are not required for the following:

- Persons who cannot wear a face covering due to a medical or behavioral condition, who have trouble breathing or are incapacitated, who are disabled, or whose healthcare professional has recommended that a face covering not be worn;
 - Persons seeking to communicate with someone who is hearing-impaired in a way that requires the mouth to be visible;
 - Persons while eating or drinking;
 - Persons engaged in swimming activities or other activities while in a swimming pool;
 - Persons engaged in exercising in fitness and exercise gyms or other sports activity;
 - Persons while giving a speech, presentation or performance for a broadcast or to an audience;
 - Children under the age of six (6) (NOTE parents and guardians shall be responsible for ensuring proper use of face coverings by children six (6) years of age and older and must ensure that face coverings do not pose a choking hazard and can be safely worn without obstructing a child's ability to breath.); and
 - Other settings where it is not practical or feasible to wear a face covering, including, but not limited to, when obtaining or rendering goods or services (such as receipt of dental services) or would otherwise impede visibility to operate equipment.
- Businesses and business operations shall make all reasonable efforts to maintain 6 feet of separation between customers (or parties of customers) at all times, including 6 feet of separation while in cashier lines, waiting rooms, and other public space, including displaying prominent signs at every entrance informing customers of the face covering requirements herein and that customers must practice social distancing (maintaining a minimum of 6 feet of separation from other customers(or parties of customers)). Businesses shall provide reasonable oversight to ensure compliance for face covering and mask requirements.

- Face coverings/masks must be worn indoors and outdoors (when unable to maintain a minimum of 6 feet of separation from other individuals not in the same household) when attending gatherings and public events (including but not limited to attending events in outdoor sports complexes, music venues, reception halls, multi-field complexes and arenas). This face covering requirement shall not apply to individuals engaged in organized school athletic practices, including weight training and outdoor practices, or other outdoor exercising.
- 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 representatives 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.
- 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 other measures to contain and prevent transmission of COVID-19.
- Retail establishments shall post notice of the requirement for customers to wear masks at each public entrance of the store and provide reasonable oversight of their customers to ensure compliance.
- Event venues shall provide reasonable oversight to ensure compliance for face covering and mask requirements. Event venues shall also provide booking parties documentation to ensure understanding of mask requirements.
- 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: RESTAURANTS

Restaurants, in addition to providing take-out, pick-up, delivery and drive-thru services, are permitted to open indoor and outdoor dining subject to the following limitations:

- Restaurants may serve customers up to 75% of the restaurant's total capacity.
- All restaurants must close in-house dining (both indoor and outdoor) at 1 a.m. Restaurants may continue operating pick-up, drive thru or to go services.
- Restaurant floor plans shall be updated to ensure at least six (6) feet of separation between each party/group dining. Party sizes shall be limited to a maximum of ten (10) customers per table.
- Restaurants are responsible for enforcing all social distancing guidelines and all other elements of Governor Reeves' Executive Orders 1478, 1492, 1496, 1511, 1517 and 1525.

SECTION 3: CLOSE CONTACT AND PERSONAL CARE SERVICES

Close contact personal care services include, but are not limited to the following: salons, barber shops, spas, massage parlors, personal care and personal grooming facilities, body art and tattoo services, and tanning salons.

These businesses shall take all reasonable measures to ensure compliance with the Mississippi State Department of Health's and CDC's regulations, orders and guidelines to prevent the spread of COVID-19, including, but not limited to: social distancing; sending sick employees home; separating and sending home employees who appear to have respiratory illness symptoms; adopting and enforcing regular and proper hand-washing and personal hygiene protocols; and daily screening of employees for COVID-19 related symptoms before beginning their shift.

Requirements for Close Contact and Personal Care Services

- Maximum capacity is one (1) client at a time per technician.
- There shall be a minimum of six (6) feet between chairs, booths, manicure stations, pedicure stations, etc.; this distancing shall apply to vertical, horizontal or diagonal directions.
- Lobby or waiting areas shall be closed, and items such as magazines, popcorn poppers and coffee pots/machines shall be removed.
- Minimizing person-to-person contact through technology, like mobile or online reservations and contact-less payment, is encouraged.
- Clients shall wait outside with appropriate social distancing enforced or clients can remain in cars and called into the store when appropriate service is available.
- Clients should be screened for fever or respiratory symptoms prior to entry into the salon using the screening questions in Governor Reeves' Executive Order 1480. If the owner, manager or beautician can screen patients via phone before booking an appointment, it is encouraged.
- Signage must be posted at each entrance stating no customer with a fever or COVID-19 symptoms are allowed in.
- Business shall be deep cleaned daily. All instruments shall be disinfected after each client and hampers/trash containers shall be cleaned and disinfected daily. All such containers must have a lid.

- Hand sanitizer shall be placed at all points of entry and exit.
- All businesses must also meet the requirements of Governor Reeves' Executive Order 1525. If there is any conflicting guideline between this order and Executive Order 1525, the stricter shall take precedent.

Requirements for Employees

- All employees will be screened daily at the beginning of their shifts, including asking the screening questions listed in Governor Reeves' Executive Order 1480. All employees shall be required to report any symptoms of COVID-19 to their supervisor, and any employee that exhibits any of the symptoms of COVID-19 during their shift shall be sent home immediately and advised to consult with their physician.
- Always maintain six (6) or more feet between other employees and customers not specifically in their immediate service. This shall also apply to any break rooms.
- Wash hands for a minimum of 20 seconds with soapy, warm water between clients, transactions and service.
- Clean and sanitize all surfaces, equipment, chairs (including arm rests and head rests), stations and spaces used between each client.
- Sanitize high touch surfaces including doorknobs, door handles, doors, light switches, counter tops, nail dryers, gel lamps, polish racks and cabinets every two hours.
- Disinfectant for immersion of tools shall be changed daily.
- Every employee shall be required to wear a face covering, covering nose and mouth throughout their shift and shall be cleaned or replaced daily.
- If applicable and appropriate, employees should wear gloves during appointments. Gloves should be changed between clients and each cleaning.
- Gloves and eye protection must be worn when performing procedures that involve touch on or around the client's nose or mouth.
- All testers and sample products are prohibited for use and should be removed from counters.
- The use of oil diffusers and humidifiers are prohibited. However, estheticians may use facial steamers as long as steamers are emptied and cleaned after each use.
- No couple or multiple party appointments. Children and additional guests are not permitted to attend appointments.
- All employees must be provided training on how to limit the spread of COVID-19, including reinforcement of proper sanitation, hand washing, cough and sneeze etiquette and proper use of personal protective equipment.

Requirements for Customers

- All waiting areas are to remain closed. Customers must wait in their vehicles until their appointment time and they are called for screening before entering.
- Customers must wash and sanitize their hands when entering and sanitize their hands upon exit.
- Customers will be screened upon entry, including asking whether they have experienced any symptoms of COVID-19.
- Customers must wear a face covering, such as a cloth mask, while inside at all times, unless they're receiving a service that would be impeded by the covering.

SECTION 4: GYMS AND FITNESS CENTERS

Requirements for Gyms and Fitness Centers

- Gyms must limit occupancy of customers to 75% of the gym's maximum capacity.
- For all gyms and fitness center, high-touch areas must be sanitized at least once every two hours.
- If possible, create boundaries that establish one entrance for check in and another for exiting.
- All common areas must remain closed, with the exception of bathrooms/locker rooms. Do not allow gathering in lobby, break rooms, changing areas or throughout the facility.
- If the gym or fitness center serves high-risk populations, it is encouraged to set aside times and do so when fewer people are in the shop to maximize distancing and reduce risk of community transmission.
- Gyms and fitness centers must post signage at each entrance stating no customer with a fever or COVID-19 symptoms are allowed in.
- Limiting use of equipment by rearranging, taping, blocking or removing/deactivating equipment ensuring that clients are at a minimum of six (6) feet apart.
- Station hand sanitizer, disinfecting wipes, or similar disinfectant in visible and accessible locations throughout the facility.
- Clients must sanitize their hands when entering and exiting the gym and when moving between exercise equipment.
- If the gym provides towels for use by customers, such towels shall be stored in an airtight container.
- All linen hampers and trash containers shall be cleaned and disinfected daily, and all such containers must have a lid.
- All gyms and fitness center must also meet the requirements of Governor Reeves' Executive Order 1480. If there is any conflicting guideline between this order and Executive Order 1480, the stricter shall take precedent.

Requirements for Screening Check-In

An onsite employee shall conduct a screening process of all clients, prior to their entry into the gym, that includes:

- Temperature screening
- Symptom screening: cough, shortness of breath, loss of taste or smell, or medical issues the staff should be aware of while in the facility.

Requirements for Employees of Gyms and Fitness Centers

- All employees will be screened daily at the beginning of their shifts, including asking whether they have been in contact with a confirmed case of COVID-19 in the past 14 days and answering all screening questions from Governor Reeves' Executive Order 1480. All employees shall be required to report any symptoms of COVID-19 to their supervisor, and any employee that exhibits any of the symptoms of COVID-19 during their shift shall be sent home immediately and advised to consult with their physician.
- Every employee shall be provided a face covering, covering nose and mouth, and shall be required to wear that face covering throughout their shift and shall be cleaned or replaced daily.
- In addition to other staff, a minimum of one employee must be on-site during the gym's hours of operation dedicated to wiping down equipment following use by customers.
- All employees on the gym floor or in contact with clients must wear disposable gloves. Gloves should be changed at least once an hour.
- Break rooms shall be thoroughly cleaned and sanitized, and the number of employees in the break room shall be limited to allow for strict social distancing.
- All high-touch areas, including all door handles shall be sanitized, at a minimum, once every two hours.
- Monitor gym to ensure social distancing guidelines are followed.
- All employees must be provided training on how to limit the spread of COVID-19, including reinforcement of proper sanitation, hand washing, cough and sneeze etiquette and proper use of personal protective equipment.
- If assisting or training a client separate equipment should be used and social distancing measures followed.
- While cleaning, staff must wear gloves and a mask.

Other Facility Restrictions

- Close or block off all water fountains or drink stations. Single service or individual drink sales are permitted.
- If client brings their own towel, be sure the towel is kept with the client at all times and the surfaces where a towel is put down must be cleaned.
- If merchandise is for sale offer measures for contactless payment and single point of distribution.
- If meals or food are provided or for sale individually package and secure items for each individual.
- Any facility with a pool, whirlpool or hot tub shall assign an employee to monitor safe social distancing practices.

SECTION 5: NONESSENTIAL RETAIL

Nonessential retail stores are permitted to reopen subject to the following limitations:

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 and 2,500 sq. ft. – 25 or fewer customers
- Sales areas between 2,501 and 5,000 sq. ft. – 50 or fewer customers
- Sales areas between 5,001 and 10,000 sq. ft. – 75 or fewer customers
- Sales areas between 10,001 sq. ft. and 15,000 sq. ft. – 100 or fewer customers
- Sales areas between 15,001 sq. ft and 20,000 sq. ft – 150 or fewer customers
- Sales areas above 20,001 sq. ft. and above – 200 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 establishments shall also be subject to mask requirements of Section 1 of this order.
- 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.
- Shopping malls shall be allowed to open with the following restrictions:
 - There will be sufficient signage at all mall entrances regarding mask requirements.
 - Sanitizer will be available at all entrances.
 - Security guards patrolling the corridors will also enforce mask requirement.
 - All individual stores will enforce mask requirement as customers enter their store.
 - All employees of the mall and/or stores will wear masks at all times, including but not limited to, when interacting with the public or when social distancing is not possible.
 - Food court and soft seating throughout the mall may operate at 50% capacity.

- Shopping mall retail stores shall operate in accordance with all nonessential retail capacity limits and social distancing guidelines.

SECTION 6: ESSENTIAL RETAIL

- 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 area. Guidelines for these ratios have been sent to each store.
- All essential retail establishments shall also be subject to mask requirements of Section 1 of this order.
- 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.
- Carts and baskets and all other surfaces that are contacted by customers during the course of providing services shall be sanitized after each use by customers. All other high-touch areas, including all door handles shall be sanitized once every two (2) hours at minimum.

SECTION 7: BARS, NIGHTCLUBS, DANCE HALLS AND ENTERTAINMENT VENUES

- All bars, nightclubs, music venues, indoor entertainment venues and places of amusement (including but not limited to: bowling alleys, laser tag, ax throwing bars, escape rooms, cigar bars and movie theaters) shall close at 10:00pm.
- All dance hall permits are suspended.
- All bars, nightclubs, music venues and indoor entertainment venues must continue to adhere to and enforce all state and municipal mask requirements, capacity requirements and restrictions on hours of alcohol sales, including Governor Reeves' Executive Order 1535 and 1536.

SECTION 8: 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, 1477, 1478, 1480, 1486, 1496, 1500, 1505, 1509, 1511, 1512, 1514, 1515, 1516, 1517, 1518, 1522, 1525, 1527, 1530, 1536 and 1536 and/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 supersedes and amends Executive Orders 2020-1, 2020-2, 2020-3, 2020-4, 2020-5, 2020-6, 2020-7, 2020-8, 2020-9, 2020-10, 2020-11, 2020-12, 2020-13, 2020-14, 2020-15, 2020-16, 2020-17, 2020-18, 2020-19, 2020-20, 2020-21, 2020-22, 2020-23, 2020-24 and 2020-25.

SO ORDERED on this 15th day of January 2021.



Toby Barker, Mayor, City of Hattiesburg, Mississippi

ATTEST: 

Kermas Eaton, City Clerk