

EXECUTIVE ORDER NO. 2021-3

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 7234 positive cases and 138 deaths to date in Forrest County and 5896 positive cases and 80 deaths to date in Lamar County;

WHEREAS, on March 2, 2021 Governor Reeves issued Executive Order 1549 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 March 4th, 2021 and remain in effect and enforced until 5 p.m. on April 5, 2021.

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

In addition to requirements and recommendations made in Governor Reeves' Executive Order 1549:

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. 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, dance halls, clubs,

bars, 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 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 others 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.
- Shopping malls shall post sufficient signage at all mall entrances regarding mask requirements, as well as have security patrolling the corridors to enforce mask requirements. Individual stores inside a shopping mall are also responsible for enforcing mask requirements.
- 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.
- All businesses shall make a good faith effort to make hand sanitizer available to all customers and visitors at points of entry and throughout the business.

SECTION 2: 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, 1536, 1542, 1549 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, 2020-25, 2021-1 and 2021-2.

SO ORDERED on this 3rd day of March 2021.



Toby Barker, Mayor, City of Hattiesburg, Mississippi

ATTEST: 

Cecilia Jones, Deputy Clerk