

Office of the Mayor
Chokwe A. Lumumba, Mayor



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**SECOND AMENDED STAY SAFE JACKSON EXECUTIVE ORDER
CITY OF JACKSON, MISSISSIPPI
EFFECTIVE THURSDAY, JULY 2, 2020**

WHEREAS, on June 3, 2020, I Chokwe Antar Lumumba, Mayor of the City of Jackson, Mississippi, pursuant to Section 45-17-3 of the Mississippi Code of 1972, as amended, declared and issued an Executive Order Continuing the Civil Emergency that was initially issued on March 16, 2020 in the wake of the Coronavirus pandemic, and continued on March 31st, April 16th, April 30th, and May 16th; and

WHEREAS, I, Chokwe Antar Lumumba, Mayor of the City of Jackson, Mississippi, pursuant to Section 45-17-7(e) of the Mississippi Code of 1972, as amended, have the authority to issue such other orders as are necessary for the protection of life and property and in the interest of public safety and welfare, after proclamation of a civil emergency; and

WHEREAS, I, Chokwe Antar Lumumba, Mayor of the City of Jackson, Mississippi recognize the emergency declarations of the President of the United States and the Governor of the State of Mississippi related to the spread of COVID-19 disease in our community; and

WHEREAS, COVID-19 is a disease caused by a novel coronavirus, previously unknown in humans, and causes upper-respiratory tract illness that can range from mild to severe, spread quickly, and may cause death, particularly in older adults and persons with certain chronic medical conditions; and

WHEREAS, the World Health Organization declared COVID-19 to be a global pandemic as of March 15, 2020; and

WHEREAS, I Chokwe Antar Lumumba, Mayor of the City of Jackson, Mississippi find that an emergency of an unprecedented health threat resulting from the natural cause of community spread of a novel human coronavirus disease, COVID-19, has occurred in the City of Jackson; and

WHEREAS, as of June 28, 2020, Mississippi has identified 26,567 cases of coronavirus, including 2,048 cases in Hinds County, where the City of Jackson is situated; and

WHEREAS, as of June 28, 2020, Mississippi has 1059 recorded deaths attributed to COVID-19, with 38 of those deaths occurring in Hinds County; and

WHEREAS, the Governor's hasty reopening of the State of Mississippi effectively forced the City of Jackson to lift the Stay-at-Home Order and begin the precarious process of reopening the City; and

WHEREAS, once businesses reopened some people and businesses ignored and continue to ignore face covering rules and other requirements and limitations prescribed by the pertinent mayoral executive orders; and

WHEREAS, the latest statistics clearly demonstrate that success at controlling the spread of the virus depends upon business and resident compliance with reopening guidelines and restrictions; and

WHEREAS, continued extraordinary measures related to preventing the spread of the virus are necessary and expedient for the health, safety, welfare and good order to protect the public peace and preserve lives; and

WHEREAS, I, Chokwe Antar Lumumba, Mayor of the City of Jackson, Mississippi find it necessary to further outline restrictions on individuals and businesses, and penalties for businesses, that fail to comply with COVID-19 related executive orders mandating sanitization, social distancing, face coverings, and other requirements intended to mitigate the spread of COVID-19; and

WHEREAS, it is everyone's responsibility within the City of Jackson to comply with guidelines and executive orders, including those related to face coverings and social distancing; and

WHEREAS, we cannot let our guard down if we hope to stop the spread of the virus, more deaths, and avoid the devastating economic impacts of a reopening rollback.

NOW, THEREFORE, I, Chokwe Antar Lumumba, Mayor of the City of Jackson, Mississippi, pursuant to the authority vested in me by Section 45-17-7(e) of the Mississippi Code of 1972, as amended, and in the public interest and for the general welfare of the City of Jackson, do hereby issue this Second Amended Stay Safe Jackson Executive Order.

- 1. Incorporation and Adoption.** This Second Amended Stay Safe Jackson Executive Order incorporates and adopts the Amended Stay Safe Jackson Executive Order, effectuated on June 4, 2020, except only to the extent that the latter is superseded by contrary provisions stated herein.
- 2. Restaurants and Bars.** The number of customers in any restaurant or bar shall be no greater than 50% of seating capacity.

Prior Executive Orders are amended to remove the limitation that restaurants that serve alcohol and bars shall close to the public no later than 10:00 p.m.

Restaurants and bars shall continue to be subject to the additional limitations found in paragraph 9 of the Stay Safe Jackson Executive Order, effectuated on May 16, 2020 and paragraph 10 of the Amended Stay Safe Jackson Executive Order, effectuated on June 4, 2020.

- 3. Fitness Centers and Gyms.** Prior Executive Orders are amended to allow fitness centers and gyms to increase the number of customers in the gym to no greater than 50% of the gym's maximum occupancy. Gyms shall continue to be subject to the additional limitations found in paragraph 12 of the Stay Safe Jackson Executive Order, effectuated on May 16, 2020.

- 4. Reception Halls and Conference Centers.** Reception Halls and conference centers shall be permitted to remain open subject to the following limitations.

Except as otherwise provided herein, the number of guests in the reception hall or conference center shall be no greater than 25% of the maximum seating capacity, with strict social distancing.

For seated dinners only, reception halls and conference centers shall limit the number of guests to no greater than 50% of maximum seating capacity. Tables shall be arranged to ensure a minimum of six feet of separation between tables. Seating at each table shall be limited to a maximum of six guests with strict social distancing.

Food services are subject to the limitations placed on restaurants found in paragraph 9 of the Stay Safe Jackson Executive Order, effectuated on May 16, 2020 and paragraphs 10 of the Amended Stay Safe Jackson Executive Order, effectuated on June 4, 2020.

- 5. Wearing a face covering in public places or when working.** Any individual who is over age two and able to medically tolerate a face covering shall be required to cover their nose and mouth with a face covering when in a public place and unable to maintain at least six feet of social distancing. Face coverings are required in public indoor spaces such as stores and public outdoor spaces.

A face covering shall be considered a device to cover the nose and mouth of a person to impede the spread of saliva or other fluids during speaking, coughing, sneezing or other intentional or involuntary action. Medical grade masks are not

required; coverings may be fashioned from scarves, bandanas, handkerchiefs, or other suitable fabrics.

Face coverings do not need to be worn in the following circumstances:

- When exercising outside or engaging in physical activity outside;
- When driving alone or with passengers who are part of the same household as the driver;
- When doing so poses a greater mental or physical health, safety, or security risk such as anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the cover without assistance. For purposes of this subsection, "safety risk" shall include external factors, such as, but not limited to: where wearing a face covering may pose a risk to persons working on ladders or at significant heights, wearing other respiratory protection, heavy physical exertion or operating heavy equipment or operating in an environment where a face covering hinders communications. However, employers are encouraged to structure work to promote social distancing and limit close contact as much as possible within workplaces where face coverings may pose such risks;
- When pumping gas;
- When in a building or activity that requires security surveillance or screening, (for example, banks);
- When working alone in separate office spaces or in non-public workplaces where six feet of social distancing may be consistently maintained; or
- When eating or drinking in public at a restaurant, bar, or other food or beverage establishment. A face covering must be worn when entering or exiting any such establishment, and when walking around such establishment and six feet of social distancing cannot be maintained.

6. **Face Coverings – Commercial Entities and Establishments.** *Notwithstanding any contrary provisions in prior executive orders and consistent with the foregoing provisions stated within this order*, all commercial entities, businesses, establishments, restaurants, bars, theatre houses, auditoriums, libraries, and museums providing goods or services directly to the public must require that all employees, patrons, customers, and visitors to the commercial entity's business premises or other facilities wear face coverings when in an area or performing an activity where social distancing of a minimum of six feet cannot be maintained.

Such commercial entities and establishments listed in this paragraph must require that all employees, patrons, customers, and visitors wear a face covering when entering or exiting any such facility, and when walking around in any such facility and six feet of social distancing cannot be maintained.

Such commercial entities, establishments, and facilities listed in this paragraph must post the face covering requirement stated in this Executive Order in a conspicuous location sufficient to provide notice to employees and visitors.

Specific provisions in prior orders regarding the wearing of a face covering when receiving services in a salon, beauty shop, barber shop, or tattoo parlor are still in effect and valid and are not superseded by any provisions stated within this order – with respect to the wearing of a face covering when receiving personal services. For example, the provision found in paragraph 10 of the Stay Safe Jackson Executive Order regarding beauty and barber shops which states that “customers shall wear a face covering, covering nose and mouth, while inside the salon at all times except when receiving a service that otherwise could not be provided while wearing a face covering” is still in effect and not superseded by any provision in this Order – with respect to the wearing of a face covering when receiving personal services.

- 7. Entities not covered by this Order.** This Order does not apply to Federal, State, and County governments (e.g., state-owned museums, county-owned libraries, federal agencies, etc.). This Order also does not apply to the City of Jackson Municipal Court, only to the extent that the Mississippi Supreme Court governs municipal courts.
- 8. Effective Date; Duration.** This Order shall be effective as of Thursday, July 2, 2020 and remain in full force and effect until modified, amended, rescinded, superseded, or terminated due to the expiration or termination of the existing civil emergency.
- 9. Enforceability and Prosecution.** Violations of this Executive Order may be subject to misdemeanor prosecution pursuant to Section 45-17-9 of the Mississippi Code of 1972, as amended, and Section 86-1 of the Jackson Code of Ordinances.
- 10. Closure for Failure to Comply with Applicable Guidelines.** In addition to being subject to the penalties set forth in Section 45-17-9 of the Mississippi Code of 1972, as amended, and Section 86-1 of the Jackson Code of Ordinances, any commercial entity, business, establishment, restaurant, bar, or facility listed in this Order that is cited by the City’s code enforcement or law enforcement authority for operating in a manner inconsistent with or otherwise in violation of any COVID-19 related Mayoral Executive Order shall close immediately.

Such establishment or facility may reopen only after (1) a minimum of a twenty-four (24) hour period during which the establishment shall conduct a thorough review of the applicable COVID-19 related Mayoral Executive Orders, including this Order, and all applicable attachments, and take all necessary measures to bring the establishment or facility into compliance with the requirements of such Orders; and

(2) submitting a fully executed attestation under penalty of perjury by the owner, general manager, or chief executive officer of the establishment or facility, in the form attached hereto, to the City by email to halima@jacksonms.gov, attesting that the review has been completed and the required measures have been taken.

The attestation form, titled "Attestation of Compliance with the City of Jackson's Reopening Guidelines" can be found on the City's website at jacksonms.gov/slowopen. Any repeat violation by the establishment or facility cited by the applicable code enforcement or law enforcement authority shall be presumed a knowing violation and treated as a separate offense, subject to additional closure up to a five-day period, fines, and even imprisonment in accordance with this Order, Section 45-17-9 of the Mississippi Code of 1972, as amended, and Section 86-1 of the Jackson Code of Ordinances.

11. Applicability; Severability. This Order supersedes and replaces any contrary provision in any prior Mayoral Executive Order. Except as superseded, amended, or rescinded, all provisions within COVID-19 Mayoral Executive Orders remain in full force and effect.

Any provisions within this Order that (i) conflict(s) with any state or federal law or constitutional provision, or (ii) conflict(s) with or are superseded by a current or subsequently-issued Executive Order of the Governor or the President of the United States solely to the extent such Executive Order (a) expressly preempts the substance of this Order or (b) imposes stricter guidelines and closures than set forth herein, shall be deemed inapplicable and deemed to be severed from this Order, with the remainder of this Order remaining intact and in full force and effect.

12. Publication. This Executive Order shall be: (1) promptly filed with the City Clerk; (2) distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; and (3) distributed to others as necessary to ensure proper implementation of this Order.

WITNESS MY HAND, this the 30th day of June, 2020 at 8:47 am/pm.



CHOKWE ANTAR LUMUMBA, MAYOR
CITY OF JACKSON, MISSISSIPPI



ANGELE HANES
CITY CLERK

ATTESTATION OF COMPLIANCE WITH THE CITY OF JACKSON'S REOPENING GUIDELINES

1. I am _____ [POSITION] of _____ [NAME OF ESTABLISHMENT], located at _____ [ADDRESS], and hereby affirm under penalty of perjury that I have reviewed the COVID-19 related Mayoral Executive Orders, including the Second Amended Stay Safe Jackson Executive Order, and all applicable attachments thereto, which were developed and promulgated to limit the spread of COVID-19 and to allow certain establishments to operate safely during this global pandemic.
2. I understand the establishment/facility mentioned above may only operate in compliance with the applicable Executive Orders, including the Second Amended Stay Safe Jackson Executive Order, and all applicable attachments thereto.
3. I affirm that the establishment/facility mentioned above has taken all necessary steps to comply with the COVID-19 related Mayoral Executive Orders.
4. I understand that future violations could result in additional closures for up to a five-day period, fines, and even imprisonment in accordance with the Second Amended Stay Safe Jackson Executive Order, Section 45-17-9 of the Mississippi Code of 1972, as amended, and Section 86-1 of the Jackson Code of Ordinances.

Under penalties of perjury, I declare that I have read the foregoing Attestation and that the facts stated in it are true.

Signature of owner of other authorized agent

Date