EXECUTIVE ORDER NO. 133

WHEREAS, in light of the dangers posed by Coronavirus disease 2019 ("COVID-19"), I issued Executive Order No. 103 on March 9, 2020, the facts and circumstances of which are adopted by reference herein, which declared both a Public Health Emergency and State of Emergency; and

WHEREAS, on April 7, 2020, I issued Executive Order No. 119 (2020), the facts and circumstances of which are adopted by reference herein, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, in accordance with N.J.S.A. App. A:9-34 and -51, I reserve the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19; and

WHEREAS, as COVID-19 continued to spread across New Jersey and an increasing number of individuals required medical care or hospitalization, I issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-132 (2020), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, among these actions, and in recognition that the Centers for Disease Control and Prevention ("CDC") has advised that social mitigation strategies for combatting COVID-19 require every effort to reduce the rate of community spread of the disease and that COVID-19 spreads most frequently through person-to-person contact when individuals are within six feet or less of one another, I issued Executive Order No. 107 (2020) to order steps to mitigate community spread of COVID-19; and

WHEREAS, to further limit community spread from person-to-person contact through social distancing, Executive Order No. 107 (2020) required, with limited exceptions, New Jersey residents to remain in their place of residence, cancelled all gatherings, and closed non-essential recreational businesses, including golf courses; and

WHEREAS, Executive Order No. 108 (2020) ordered that no municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of Executive Order No. 107 (2020), or which will or might in any way interfere with or impede its achievement, or the achievement of Administrative Orders issued as authorized by Executive Order No. 107 (2020); and

WHEREAS, Executive Order No. 108 (2020) contained an exception allowing municipalities and counties to, among other things, impose additional restrictions at municipal or county parks; and

WHEREAS, due to increased public interaction and gatherings at county and State parks throughout the State, I issued Executive Order No. 118 (2020) on April 7, 2020, which closed State Parks and Forests, as well as county parks, to the public in order to further social distancing requirements; and

WHEREAS, Executive Order No. 118 (2020) defined "State Parks and Forests" as all State parks, forests, recreation areas, historic sites, marinas, golf courses, botanical gardens, and other lands, waters, and facilities assigned to the State Park Service in the Division of Parks and Forestry of the Department of Environmental Protection (DEP); and

WHEREAS, Executive Order No. 118 (2020) superseded Executive Order No. 108 (2020) to the extent that Executive Order No. 108 (2020) had allowed counties to impose additional restrictions at county parks in response to COVID-19; and

WHEREAS, on April 8, 2020, and April 11, 2020, I issued Executive Order Nos. 122 and 125 (2020), respectively, which imposed additional mitigation requirements on essential businesses and transportation carriers to ensure that they are following public health guidelines regarding social distancing, cleaning, sanitizing, and hygiene practices; and

WHEREAS, after the issuance of Executive Order No. 118 (2020), the CDC issued guidance for visiting parks and recreational facilities, recognizing that parks and open spaces provide people a vital way to keep the mind and body healthy; and

WHEREAS, the CDC guidance regarding the safe access of parks advises individuals to stay six feet away from other visitors, avoid use of playgrounds, decline participation in organized sports and recreational activities, and visit parks close to home to limit travel distances; and

WHEREAS, New Jersey is no longer seeing an increase in the number of new cases of COVID-19 that are being reported on a daily basis, and the State is experiencing a decrease in the number of individuals visiting emergency departments and being admitted to hospitals for COVID-19; and

WHEREAS, as New Jersey makes continued progress in its fight against COVID-19, it is appropriate to ensure that New Jerseyans can safely enjoy outdoor recreation, with reasonable restrictions that limit the spread of COVID-19, as a way to enhance physical and mental health, while maintaining the overall social distancing and mitigation requirements in place to protect the health, safety, and welfare of New Jersey residents; and

WHEREAS, Executive Order No. 118 (2020) balanced the need to respond to the increasing new cases and hospitalizations with the need to provide people with outdoor recreation opportunities for the physical and mental well-being, and the progress in the State’s fight

against COVID-19 shifts the balance to allow for such additional outdoor recreation opportunities; and

WHEREAS, as public health experts have observed, even as the State is able to allow passive recreation outdoors with reasonable restriction, the ongoing pandemic means that other brick and mortar retail and recreation businesses, and other businesses in which it is more challenging to comply with social distancing measures, are not ready to be reopened at this time; and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. 26:13-1 et seq., N.J.S.A. App. A: 9-33 et seq., N.J.S.A. 38A:3-6.1, and N.J.S.A. 38A:2-4 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. All State Parks and Forests shall open to the public to engage in the following passive recreational activities in which social distancing can be readily achieved:

a. Fishing;

b. Hunting;

c. Boating;

d. Canoeing;

e. Hiking;

f. Walking;

g. Running or jogging;

h. Biking;

i. Birding; and

j. Horseback riding.

2. The following shall remain closed to the public at all State Parks and Forests:

a. Picnic areas;

b. Playgrounds;

c. Exercise stations and equipment;

d. Chartered watercraft services and rentals;

e. Swimming;

f. Pavilions;

g. Restrooms; and

h. Other buildings or facilities, including, but not limited to, visitor centers, interpretive centers, and interior historical sites.

3. The following recommendations and policies shall apply to all State Parks and Forests:

a. Employees and visitors should wear cloth face coverings while in the State Park or Forest in all settings where other social distancing measures are difficult to maintain, except where doing so would inhibit that individual's health or where the individual is under two years of age;

b. Available parking must be limited at all State Parks and Forests at 50% of the maximum capacity at one time, and visitors shall be prohibited from parking in undesignated areas, including in roadways and other undesignated areas;

c. No picnicking shall be allowed, including on picnic blankets in signed picnic areas, and no picnic blankets, chairs, coolers, and other such personal property shall be carried into any State Parks and Forests;

d. Consistent with Paragraph 3 of Executive Order No. 107 (2020), visitors must practice social distancing and stay six feet apart whenever practicable, excluding immediate family members, caretakers, household members, or romantic partners;

e. No organized or contact activities or sports shall be allowed; and

f. Consistent with Paragraph 5 of Executive Order No. 107 (2020), gatherings of individuals, including in parks, are prohibited.

4. The operative paragraphs of Executive Order No. 118 (2020) are hereby superseded in full. Paragraph 9 of Executive Order No. 107 (2020), as clarified by paragraph 4 of New Jersey Office of Emergency Management (NJOEM) Administrative Order No. 2020-6, is hereby superseded to the extent it closes golf courses as a non-essential recreational business, but otherwise remains in full force and effect.

5. County parks shall open to the public with the exception of those parks closed to the public by county order prior to the effective date of Executive Order No. 118 (2020). Such parks may be reopened by order of the county of jurisdiction.

6. All recreational campgrounds and transient camp sites at campgrounds shall remain closed to the public. Residential campgrounds, which includes mobile home parks, condo sites, and existing/renewing 2020 yearly seasonal contract sites, may remain open.

7. All Counties and Municipalities shall apply, at minimum, the restrictions, policies, and recommendations provided in paragraphs two and three of this Order at any county and municipal parks that are open to the public; however, consistent with Executive Order No. 108 (2020), Counties and Municipalities may impose additional restrictions at county and municipal parks in response to

COVID-19. Counties and Municipalities may also impose additional restrictions on the ability of residential campgrounds, including mobile home parks, to accept new transient guests or seasonal tenants, as that term is defined by NJEOM Administrative Order Nos. 2020-08 and 2020-09.

8. Golf courses shall be allowed to reopen to the public and to members associated with private golf clubs, but such businesses must adopt policies that include, at minimum, the following requirements:

a. Require that reservations, cancellations and pre-payments be made via electronic or telephone reservation systems to limit physical interactions. Such policies shall, wherever possible, consider populations that do not have access to internet service or credit cards;

b. Stagger tee times so that they are 16 minutes apart to limit the amount of people on the golf course;

c. Limit use of golf carts to single occupant only, excluding an individual's immediate family members, caretakers, household members, or romantic partners;

d. Require frequent sanitization of high-touch areas including, at minimum, the following cleaning protocols:

i. Clean and disinfect high-touch areas routinely, and after each use, in accordance with CDC guidelines, particularly in spaces that are accessible to staff, players, or other individuals, including, but not limited to, restroom facilities, counter tops, door knobs, other common surfaces, range buckets, golf carts, push carts, and other frequently touched surfaces including employee used

equipment, and ensure cleaning procedures following a known or potential exposure at the golf course in compliance with CDC recommendations; and

ii. Ensure that the golf course has a sufficient number of workers to perform the above protocols effectively and in a manner that ensures the safety of players and staff;

e. Restrict players' ability to touch common surfaces when retrieving golf balls by installing pins, placing cups upside down or partly above ground, or utilizing a shallow cup;

f. Close all golf center buildings, pro shops, and other buildings and amenities to the public;

g. Remove bunker rakes and other on-course furniture like benches, water coolers, and ball washers;

h. Ensure that the flagstick remains in the golf hole at all times, and instruct players to avoid touching the flagstick or hole;

i. Discontinue club and equipment rentals;

j. Prohibit the use of caddies;

k. Limit tee times to two players, except for immediate family members, caretakers, household members, or romantic partners;

l. Place additional restrictions on areas of the golf course, as necessary, to limit person-to-person interactions and facilitate appropriate social distancing, including but not limited to, specific holes, putting greens, FootGolf courses, and short game areas;

m. Employees, players, and other individuals should wear cloth face coverings in all settings on the golf course where other social distancing measures are difficult to maintain, except where doing so would inhibit that individual's health, or where the individual is under two years of age; and

n. Require players to always maintain appropriate social distancing by remaining six feet apart from others.

9. Miniature golf courses and driving ranges, as well as other places of public amusement, shall remain closed pursuant to Executive Order No. 107 (2020).

10. The State Director of Emergency Management, who is the Superintendent of State Police, shall have the discretion to make additions, amendments, clarifications, exceptions and exclusions to the terms of this Order.

11. It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully in all matters concerning this Order, and to cooperate fully with Administrative Orders issued pursuant to this Order.

12. No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or which will or might in any way interfere with or impede its achievement.

13. Penalties for violations of this Order may be imposed under, among other statutes, N.J.S.A. App. A:9-49 and -50.

14. This Order shall take effect beginning at 6:00 a.m. on Saturday, May 2, 2020, and shall remain in effect until revoked or modified by the Governor, who shall consult with the Commissioner of the Department of Health as appropriate.

GIVEN, under my hand and seal this 29th day of April, Two Thousand and Twenty, and of the Independence of the United States, the Two Hundred and Forty-Fourth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor