STATE OF NEW JERSEY

DEPARTMENT OF LAW AND PUBLIC SAFETY

DIVISION OF NEW JERSEY STATE POLICE

OFFICE OF EMERGENCY MANAGEMENT

Administrative Order No. 2020-15

Venues, Libraries, Schools, Real Estate Open Houses, Essential Retail Businesses, Car Washes, Yard Sales, Special Events, Private Tutoring Facilities

WHEREAS, on March 9, 2020, through Executive Order No. 103 (2020), the facts and circumstances of which are adopted by reference herein, the Governor declared both a Public Health Emergency and a State of Emergency throughout the State due to the public health hazard posed by Coronavirus disease 2019 (COVID-19); and

WHEREAS, through Executive Order Nos. 119, 138, and 151, issued on April 7, 2020, May 6, 2020, and June 4, 2020 respectively, the facts and circumstances of which are adopted by reference herein, the Governor declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect; and

WHEREAS, to further protect the health, safety, and welfare of New Jersey residents by, among other things, reducing the rate of community spread of COVID-19, the Governor issued Executive Order No. 107 (2020) on March 21, 2020, the facts and circumstances of which are also adopted by reference herein, which established enhanced social mitigation strategies for combatting COVID-19; and

WHEREAS, Executive Order No. 107 (2020) cancelled gatherings of individuals, such as parties, celebrations, or other social events, unless otherwise authorized by that Order; and

WHEREAS, pursuant to paragraph 9 of Executive Order No. 107 (2020), the Governor ordered closed to the public all recreational and entertainment businesses, but also granted the State Director of Emergency Management, who is the Superintendent of the State Police, the discretion to make additions, amendments, clarifications, exceptions, and exclusions to the list of those businesses; and

WHEREAS, pursuant to paragraph 12 of Executive Order No. 107 (2020), the Governor closed all public, private, and parochial preschool program premises, and elementary and secondary schools, including charter and renaissance schools, to students; and

WHEREAS, Administrative Order No. 2020-3 added municipal, county and State public libraries, and all libraries and computer labs at public and private colleges and universities, to the list of facilities closed to members of the public pursuant to paragraph 7 of Executive Order No. 104 (2020), the terms of which were carried over to Paragraph 9(h) of Executive Order No. 107 (2020); and

WHEREAS, Administrative Order No. 2020-6 categorized real estate open houses as an impermissible gathering pursuant to Executive Order No. 107 (2020); and

WHEREAS, pursuant to paragraph 6 of Executive Order No. 107 (2020), as clarified by paragraph 2 of Administrative Order No. 2020-6, car dealerships were permitted to continue in-person auto maintenance and repair services and to provide online and telephonic delivery services and pickup services outside or adjacent to their stores for vehicles ordered in advance online or by phone; and

WHEREAS, Administrative Order No. 2020-10 clarified that car dealerships could permit customers that ordered and/or purchased a vehicle online or by phone to test drive the vehicle at the time of pick-up or prior to delivery, subject to specified in-person operation policies; and

WHEREAS, Administrative Order No. 2020-6 added Federal Firearms Licensees to the list of essential retail businesses in accordance with paragraph 6 of Executive Order No. 107, subject to certain operational restrictions; and

WHEREAS, Administrative Order No. 2020-13 added car and used car dealerships, motorcycle dealerships, boat dealerships, and bicycle shops to the list of essential retail businesses in accordance with paragraph 6 of Executive Order No. 107, but limited all customer visits, including sales, to appointment only; and

WHEREAS, Executive Order No. 148 (2020) prohibited special events, including fireworks, at public and private beaches, boardwalks, lakes and lakeshores, and permitted students onto school premises to engage in passive recreational activities or to participate in an authorized gathering, but granted the State Director of Emergency Management, who is the Superintendent of State Police, the discretion to make additions, amendments, clarifications, exceptions and exclusions to the terms of that Order; and

WHEREAS, as the Governor has observed, as rate of reported new cases of COVID-19 in New Jersey decreases, including a reduction in the total number of individuals being admitted to hospitals for COVID-19, the State can begin to take certain steps to lift certain restrictions that were designed to limit person-to-person contact; and

WHEREAS, even as the rate of reported new cases of COVID-19 decreases, the ongoing risks presented by COVID-19 mean that a considerable number of the State's current measures must remain in place, both to reduce additional new infections and to save lives, until additional metrics – such as expanded testing and use of contact tracing – have been satisfied; and

WHEREAS, because public health experts have identified that outdoor environments present reduced risks of transmission as compared to indoor environments, it is appropriate to also adjust restrictions relative to gatherings that happen outdoors, meaning that certain gatherings in open-air spaces outdoors can be allowed while still maintaining reasonable restrictions to help limit the spread and prevent future outbreaks of COVID-19 and protect the health, safety, and welfare of New Jersey residents; and

WHERAS, many indoor recreational and entertainment businesses remain closed to the public, as do restaurants and other eating establishments for sit-down food service, and thus are not permitted to hold events such as weddings, bar mitzvahs, and birthday parties; and

WHEREAS, although many activities, including dining, taking place indoors at recreational and entertainment businesses, restaurants, and other eating establishments remain prohibited, the risks associated with those prohibited activities are not present when individuals enter such facilities for the limited purpose of viewing and obtaining information about the venue for planning future events as long as restrictions on gatherings are maintained, and other public health measures are adhered to, as wearing face coverings; and

WHEREAS, permitting curbside pickup and drop-off at libraries, is appropriately tailored to the current risk to public health and safety; and

WHEREAS, students should be encouraged to retrieve any belongings from school premises as the school year ends, and may safely do so pursuant to district policies that outline social distancing and mitigation protocols; and

WHEREAS, real estate open houses and yard sales can be conducted safely subject to the protocols outlined for indoor and outdoor gatherings; and

WHEREAS, various businesses, including Federal Firearms Licensees, car and used car dealerships, motorcycle dealerships, boat dealerships, bicycle shops, and car washes, have previously been authorized to operate and should be held to the same health and safety protocols that have now been imposed on similarly situated businesses; and

WHEREAS, special events, include fireworks displays, at beaches and other outdoor locations can take place while adhering to the limitations on outdoor gatherings;

NOW, THEREFORE, I, Patrick J. Callahan, State Director of Emergency Management, hereby ORDER as follows:

Venues

1. All restaurants, cafeterias, dining establishments, food courts, bars, public and private social clubs, and indoor recreational and entertainment businesses that were closed to the public under Paragraphs 8 and 9 of Executive Order No. 107 (2020) are permitted to allow individuals to enter

their indoor premises in order to tour the facility for event-planning purposes, subject to the following requirements:

a. Such tours must adhere to the provisions related to indoor gatherings in Executive Order No. 152 (2020) or subsequent Orders, including the requirement that all attendees must wear face coverings at all times except where doing so would inhibit the individual's health or where the individual is under two years of age;
b. No monetary transactions may occur on the premises, including deposits to secure venue space;
c. The facility is not permitted to provide food or drink tastings or samplings or other sample materials to visitors on the premises; and
d. All individuals seeking to visit a business for this purpose shall be by appointment only.

Such businesses also must adopt policies that include, at minimum, the following requirements:

e. Establish hours of operation, wherever possible, that permit access solely to high-risk individuals, as defined by the CDC;
f. Require infection control practices, such as regular hand washing, coughing and sneezing etiquette, and proper tissue usage and disposal;
g. Provide employees break time for repeated handwashing throughout the workday;
h. Provide sanitization materials, such as hand sanitizer and sanitizing wipes, to staff;
i. Require frequent sanitization of high-touch areas to which workers and visitors have access;
j. Place conspicuous signage at entrances and throughout the business, if applicable, altering staff and other individuals to the required six feet of physical distance;
k. Require workers to wear cloth face coverings and gloves when interacting with other workers or visitors and require workers to wear gloves when in contact with patrons or goods. Businesses must provide, at their expense, such face coverings and gloves for their employees. Nothing in the stated policy should prevent workers from wearing a surgical-grade mask or other more protective face covering if the individual is already in possession of such equipment, or if the business is otherwise required to provide such worker with more protective equipment due to the nature of the work involved. Where an individual declines to wear a face covering on premises due to a medical condition that inhibits such usage, neither the facility nor its staff shall require the individual to produce medical documentation verifying the stated condition.

Libraries

2. It is hereby clarified that libraries are permitted to reopen their outdoor spaces to the public pursuant to the provisions of Executive Order No. 153 (2020). In addition, all municipal, county, and State public libraries, and all libraries at public and private colleges and universities, are permitted to reopen to the public, but only where they adopt policies that include, at minimum, the following requirements:

    a. Patrons shall not be permitted to enter the brick-and-mortar premises, but instead shall be permitted to pick up or drop off materials outside of the facility that they have already ordered ("curbside pickup/drop-off");
    b. In-premises operations shall be limited, wherever feasible, to those employees who are responsible for the operations required for curbside pickup/drop-off;
    c. Transactions shall be handled in advance by phone, email, facsimile, or other means that avoid person-to-person contact, wherever feasible;
    d. Patrons shall notify the facility by text message, email, or phone once they arrive, whenever feasible, or make best efforts to schedule their arrival time in advance. The patron shall be asked to remain in their vehicle, if arriving by car, until staff delivers or retrieves the materials; and
    e. Designated employees shall bring materials outside of the facility and place the materials directly in a patron's vehicle whenever feasible.

Additionally, libraries opening to the public pursuant to this paragraph shall also abide by the following policies, at a minimum:

    f. Require infection control practices, such as regular hand washing, coughing and sneezing etiquette, and proper tissue usage and disposal;
    g. Provide employees break time for repeated handwashing throughout the workday;
    h. Provide sanitization materials, such as hand sanitizer and sanitizing wipes, to staff;
    i. Require frequent sanitization of high-touch areas to which workers have access, and ensure proper sanitization of shared goods;
    j. Require workers to wear cloth face coverings and gloves when interacting with other workers or patrons and require workers to wear gloves when in contact with patrons or goods. Facilities must provide, at their expense, such face coverings and gloves for their employees. Nothing in the stated policy should prevent workers from wearing a surgical-grade mask or other more protective face covering if the individual is already in possession of such equipment, or if the facility is otherwise required to provide such worker with more protective equipment due to the nature of the work involved.

Schools

3. Notwithstanding the provisions of Paragraph 12 of Executive Order No. 107 (2020) or Paragraph 8 of Executive Order No. 148 (2020), students, who may be accompanied by their parents or guardians, may enter public, private, and parochial preschool program premises, and elementary and secondary schools, including charter and renaissance schools, to retrieve belongings from lockers, classrooms, or other areas where personal belongings may have been stored, provided the district and/or school has protocols in place for ensuring the safety of students and staff in accordance with guidance the Centers for Disease Control and Prevention regarding social distancing and mitigation practices.

Real Estate Open Houses

4. Open houses to view real estate are permitted, provided that they comply with the requirements of Paragraph 1 of Executive Order No. 152 (2020).

Essential Retail Businesses

5. It is hereby clarified that the following businesses are permitted to operate provided that they adopt policies that include, at minimum, the requirements that were applied to essential retail businesses in Paragraph 1 of Executive Order No. 122 (2020):

    a. Bicycle shops;
    b. Boat dealerships;
    c. Car and Used Car Dealerships;
    d. Farming equipment stores;
    e. Federal Firearms Licensees;
    f. Livestock feed stores;
    g. Mobile phone retail and repair shops;
    h. Motorcycle dealerships; and
    i. Nurseries and garden centers.

Car Washes

6. All car washes are permitted to operate pursuant to the requirements outlined in Paragraph 1 of Executive Order No. 122 (2020).

Yard Sales

7. Yard sales, garage sales, estate sales, and similar private sales are permitted, subject to the requirements of Executive Order No. 152 (2020). In accordance with Paragraph 3 of Executive Order No. 108 (2020), it is hereby

clarified that municipalities shall have the discretion to impose additional restrictions to the private sales authorized in this Paragraph in response to COVID-19 beyond the applicable provisions in Executive Order No. 107 (2020).

Special Events, Including Fireworks Displays

8. It is hereby clarified that, notwithstanding Paragraph 4 of Executive Order No. 148 (2020) and Paragraph 3(g) of Executive Order No. 143 (2020), special events at public and private beaches, boardwalks, lakes, and lakeshores are permissible, subject to the restrictions on outdoor gatherings outlined in Paragraph 2 of Executive Order No. 152 (2020).

Private Tutoring Facilities

9. It is hereby clarified that shared space tutoring service facilities shall remain closed to students and clients.

Supersession

10. The following Administrative Orders or designated paragraphs within are superseded to the extent that they conflict with the provisions of this Order:

    a. Administrative Order No. 2020-3;
    b. Paragraphs 1 and 2 of Administrative Order No. 2020-5;
    c. Paragraphs 1, 2, and 3 of Administrative Order No. 2020-6; and
    d. Paragraph 1 of Administrative Order No. 2020-13.

Effective Date

11. This ORDER shall take effect 6:00 a.m. on Monday, June 15, 2020, and shall remain in effect for as long as Executive Order No. 107 (2020) remains in effect or until I issue a subsequent amending Administrative Order.

June 13, 2020

Colonel Patrick J. Callahan

State Director of Emergency Management