EXECUTIVE ORDER NO. 118

WHEREAS, through Executive Order No. 102 (2020), which I signed on February 3, 2020, I created the State's Coronavirus Task Force, chaired by the Commissioner of the New Jersey Department of Health ("DOH"), in order to coordinate the State's efforts to appropriately prepare for and respond to the public health hazard posed by Coronavirus disease 2019 ("COVID-19"); and

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

WHEREAS, on March 16, 2020, through Executive Order No. 104 (2020), the facts and circumstances of which are adopted by reference herein, I adopted statewide social mitigation strategies for combatting COVID-19; and

WHEREAS, in recognition that the Centers for Disease Control ("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) on March 21, 2020, the facts and circumstances of which are adopted by reference herein, which ordered additional steps to mitigate community spread of COVID-19 and superseded Executive Order No. 104 (2020); and

WHEREAS, Executive Order No. 107 (2020) clarified that it is necessary to limit the unnecessary movement of individuals in and around their communities and person-to-person interactions in accordance with CDC and DOH guidance; 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 and cancelled all public and social gatherings; and

WHEREAS, Executive Order No. 108 (2020) invalidated any county or municipal restrictions imposed in response to COVID-19 that in any way conflict with Executive Order No. 107 (2020), but contained an exception allowing municipalities and counties to, among other things, impose additional restrictions at municipal or county parks; and

WHEREAS, since the issuance of Executive Order No. 107 (2020), public interaction and gatherings at county and state parks throughout the State, including lands under the Department of Environmental Protection's ("DEP") jurisdiction, have been observed in a manner that is inconsistent with and threatens to undermine the social mitigation strategies necessary to limit the spread of COVID-19, creating risks to public health; and

WHEREAS, lands under DEP's jurisdiction include 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 DEP's Division of Parks and Forestry ("State Parks and Forests"); and

WHEREAS, recent instances of non-compliance with Executive Order No. 107 have continued in the State Parks and Forests despite verbal warnings and orders to disperse gatherings, ejections from the parks, and the issuance of citations by law enforcement; and

WHEREAS, public usage of State Parks and Forests, as well as county parks, is anticipated to increase during the upcoming spring holiday season and beyond as the weather continually improves outdoors; and

WHEREAS, such increased public usage is likely to encourage additional public interactions and gatherings at State Parks and Forests, as well as county parks, that are inconsistent with and threaten to undermine the State's current social mitigation strategies required by Executive Order No. 107 (2020); and

WHEREAS, it is in the public interest to take decisive action to protect public health by further discouraging uses of public lands that are inconsistent with Executive Order No. 107 (2020); 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. Paragraph 3 of Executive Order No. 108 (2020) is hereby superseded to the extent that it allows counties to impose additional restrictions at county parks in response to COVID-19.

2. All State Parks and Forests and county parks must close to the public as long as this Order remains in effect. 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 categories of parks subject to this Order.

3. 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 Executive Order.

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

5. This Order shall take effect on Tuesday, April 7, 2020, at 8:00 p.m., and shall remain in effect until revoked or modified by the Governor, who shall consult with the Commissioner of DOH as appropriate.

GIVEN, under my hand and seal this 7th 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