EXECUTIVE ORDER NO. 147

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, through Executive Order Nos. 119 and 138 (2020), issued on April 7, 2020, and May 6, 2020, respectively, the facts and circumstances of which are adopted by reference herein, I 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, 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. 104-133, Nos. 135-138, and Nos. 140-146 (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 use of social mitigation measures, Executive Order No. 107 (2020) required, with limited exceptions, New Jersey residents to remain in their place of residence, cancelled all gatherings, and closed all recreational and entertainment businesses; and

WHEREAS, the CDC has recommended certain cleaning and disinfecting procedures for businesses to reduce potential spread of COVID-19 to staff and members of the public; 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 CDC and other public health guidelines regarding social distancing, cleaning, sanitizing, and hygiene practices; 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, as the 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, the CDC has issued guidance for visiting parks and recreational facilities, recognizing that outdoor recreation provides people a vital way to keep the mind and body healthy; and

WHEREAS, on April 29, 2020, I issued Executive Order No. 133 (2020), superseding Executive Order No. 118 (2020), which reopened State Parks and Forests and provided counties the discretion to reopen their parks; and

WHEREAS, Executive Order No. 133 (2020) imposed certain mitigation requirements to be followed at State Parks and Forests, as well as county and municipal parks, to ensure that visitors follow CDC and other public health guidelines regarding social distancing, cleaning, sanitizing, and hygiene practices while visiting parks; and

WHEREAS, Executive Order No. 143 (2020) allowed for all public and private beaches, boardwalks, lakes, and lakeshores in the State to open to the public as long as they are maintained consistent with a series of social distancing restrictions, including rules that ensure visitors follow CDC and other public health guidelines regarding social distancing, cleaning, sanitizing, and hygiene practices while visiting such spaces; and

WHEREAS, Executive Order No. 146 (2020) allowed chartered for-hire vessels and watercraft rentals to open to the public with social distancing, cleaning, sanitizing, and hygiene practices in place; and

WHEREAS, outdoor archery ranges, batting cages, golf driving ranges, shooting ranges, and tennis clubs, as well as all-terrain vehicle and dirt bike rentals, provide additional outdoor recreation opportunities for the public during the summer months where appropriate social distancing, cleaning, sanitizing, and hygiene practices can be implemented; and

WHEREAS, community gardens not only provide outdoor recreational opportunities to a diverse community of individuals, but they also provide people an opportunity to grow food when they may not otherwise have available space to do so; 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 additional outdoor recreation activities, while 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

WHEREAS, as public health experts have observed, even as the State allows outdoor recreation with reasonable restrictions, due to the ongoing risk of community spread of COVID-19, recreation in such outdoor spaces must currently continue to include adherence to the same gatherings restrictions that apply in any other context; and

WHEREAS, as public health experts have observed, even as the State allows outdoor recreation with reasonable restrictions, due to the ongoing risk of community spread of COVID-19, the extensive

interactions that would happen from indoor retail and recreation operations continue to present a significant risk, and so the restrictions on in-store operations for retail businesses and indoor operations for recreational and entertainment businesses cannot be lifted 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. The following outdoor recreational businesses or activities that were closed by paragraph 9 of Executive Order No. 107 (2020) are permitted to reopen to the public or their members:

a. Archery ranges;

b. Batting cages;

c. Golf driving ranges;

d. Horseback riding;

e. Shooting ranges; and

f. Tennis clubs.

2. The following shall remain closed at outdoor recreational businesses or activities permitted to open pursuant to paragraph 1 of this Order:

a. Picnic areas;

b. Playgrounds;

c. Pavilions;

d. Fitness centers;

e. Locker rooms; and

f. Other buildings, amenities, or facilities, except for restrooms and facilities providing access to an outdoor facility where no other means of access is available.

3. Outdoor recreational businesses or activities permitted to reopen pursuant to paragraph 1 of this Order shall 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. Limit capacity to no more than 10 people at the same time consistent with the restrictions contained within paragraph 5 of Executive Order No. 107 (2020) and paragraph 8 of Executive Order No. 142 (2020);

c. Install a physical barrier, such as a shield guard, between visitors and employees wherever feasible or otherwise ensuring six feet of distance between those individuals, except at the moment of payment;

d. Limit the use of equipment rented or otherwise provided by the recreational business to one person, excluding immediate family members,

caretakers, household members, or romantic partners;

e. Demarcate and post signs that denote six feet of spacing in all commonly used and other applicable areas or where people may form a line;

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 and customers;

i. Limit occupancy in restrooms that remain open to avoid over-crowding and maintain social distancing through signage and, where practicable, the utilization of attendants to monitor capacity; and

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

    i. Routinely clean and disinfect all high-touch areas in accordance with the Department of Health ("DOH") and CDC guidelines, particularly in spaces that are accessible to staff, customers, or members, or other individuals, including, but not limited to, restroom and locker facilities, counter tops, hand rails, door knobs, other common surfaces, safety equipment, and other frequently touched

surfaces including employee used equipment, and ensure cleaning procedures following a known or potential exposure in compliance with CDC recommendations;

ii. Clean and disinfect equipment that is rented, including but not limited to, firearms, helmets, bats, mitts, gloves, balls, bows, arrows, clubs, and tennis rackets, in accordance with CDC and DOH guidelines; and

iii. Train and equip employees to perform the above protocols effectively and in a manner that promotes the safety of the visitors and staff;

k. Place additional restrictions on areas of the business, as necessary, to limit person-to-person interactions and facilitate appropriate social distancing;

l. Immediately separate and send home workers who appear to have symptoms consistent with COVID-19 illness upon arrival at work or who become sick during the day;

m. Promptly notify workers of any known exposure to COVID-19 at the worksite, consistent with the confidentiality requirements of the Americans with Disabilities Act and any other applicable laws;

n. Clean and disinfect the worksite in accordance with CDC guidelines when a worker at the site has been diagnosed with COVID-19 illness; and

o. Continue to follow guidelines and directives issued by the New Jersey Department of Health, the CDC and the Occupational Health and Safety Administration, as applicable, for maintaining a clean, safe and healthy work environment.

4. The brick-and-mortar premises of all-terrain vehicle and dirt bike rental businesses must remain closed pursuant to Executive Order No. 107 (2020), but, consistent with Executive Order No. 142 (2020), such businesses are permitted to reopen to the public. Such businesses must abide by the terms of paragraph 9 of Executive Order No. 142 (2020), which require the adoption of policies that include, at minimum, requirements for "curbside pickup." For the businesses subject to this paragraph, such policies shall also include protocols for cleaning and disinfecting equipment that is rented, in accordance with CDC and DOH guidelines.

5. Community Gardens shall be allowed to reopen provided they comply with the recommendations and policies set forth in paragraph 3 of Executive Order No. 133 (2020).

6. Golf courses may adopt a policy that allows:

a. Tee-times available to four players;

b. Forecaddies;

c. Club and equipment rentals, provided that such policy requires:

i. Rental equipment be limited to one person, excluding immediate family members, caretakers, household members, or romantic partners; and

ii. Protocols for cleaning and disinfecting equipment that is rented, in accordance with CDC and DOH guidelines.

d. Restrooms to remain open, subject to frequent sanitization pursuant to, at minimum, the following cleaning protocols:

i. Routinely clean and disinfect high-touch areas at appropriate intervals in accordance with CDC and DOH guidelines, particularly in spaces that are accessible to staff, players, or other individuals, including, but not limited to, restroom facilities, counter tops, sinks, door knobs, other common surfaces, and other frequently touched surfaces;

ii. Limit occupancy in restrooms that remain open to avoid over-crowding and maintain social distancing through signage and, where practicable, the utilization of attendants to monitor capacity; and

iii. Train and equip workers to perform the above protocols effectively and in a manner that promotes the safety of public and staff.

7. Employees, visitors, members, and other individuals should wear face coverings in any setting at outdoor recreational businesses or activities permitted to reopen pursuant to paragraph 1 and community gardens 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.

8. Amusement parks, arcades, and other places of public amusement located at outdoor recreational businesses or activities permitted to reopen pursuant to paragraph 1 of this Order, shall remain closed pursuant to Executive Order No. 107 (2020). Amusement parks, arcades, and other places of public amusement are required to be closed even when located at a place otherwise authorized to be open by any Executive Order issued after March 21, 2020, such as a boardwalk.

9. Paragraph 9 of Executive Order No. 107 (2020) is hereby superseded to the extent it closes outdoor recreational businesses or activities permitted to reopen pursuant to paragraph 1 of this Order and community gardens as non-essential recreational businesses, but otherwise remains in full force and effect.

10. Paragraph 9 of Executive Order No. 133 (2020) is hereby superseded to the extent it closes golf driving ranges, limits golf tee-times to two players, forecaddies, and restrooms, and prohibits club and equipment rentals, but otherwise remains in full force and effect.

11. Nothing in the terms of any Executive Order issued after March 21, 2020 shall be construed to limit, prohibit, or restrict access to benches and other resting places in parks, beaches, lakes, businesses, and recreational areas open to the public for individuals with medical conditions or mobility impairments.

12. 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.

13. 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, and to cooperate fully with Administrative Orders issued pursuant to this Executive Order.

14. 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.

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

16. Paragraph 6 of this Order shall take effect beginning at 6:00 a.m. on Tuesday, May 19, 2020, and Paragraphs 1-5 shall take effect at 6:00 a.m. on Friday, May 22, 2020. This Order 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 18th day of May, 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