

BERGEN NEW JERSEY County



County of Bergen

Executive Order No. 2020-01G (June 5, 2020)

Continuing Declared County State of Emergency

Suspension and Modification of County Ordinances, Rules or Regulations

Relating to the COVID-19 Pandemic –

Reopening Parks Amenities, Outdoor Dining, Non-essential Retail

Pursuant to the authority vested in me under the County Executive Form of Optional Charter Law, N.J.S.A. 40:41A-36 and 37, et seq., and Article 3, Section 3.4 of the Administrative Code of the County of Bergen, I issue the following Executive Order:

WHEREAS, on January 30, 2020, the World Health Organization designated the novel coronavirus, COVID-19, outbreak as a Public Health Emergency of International Concern; and

WHEREAS, the spread of COVID-19 within New Jersey constitutes an imminent public health hazard that threatens and presently endangers the health, safety and welfare of the residents of all municipalities and counties within the State of New Jersey; and

WHEREAS, the Governor of the State of New Jersey has declared a State of Emergency within the New Jersey and the President of the United States has declared a National Emergency as a result of the COVID-19 pandemic; and

WHEREAS, in response to the health emergency posed by COVID-19, I issued Executive Order No. 2020-01 on March 10, 2020, declaring a State of Emergency in Bergen County due to the COVID-19 pandemic; and

WHEREAS, on March 21, 2020, Governor Philip D. Murphy issued Executive Order No. 107 requiring New Jersey residents to remain home or at their place of residence subject to limited exceptions, cancelling social gatherings, and limiting all restaurants and other dining establishments to offering only food delivery and/or take-out services; and

WHEREAS, Executive Order No. 107 instituted clear parameters on essential retail businesses that are permitted to operate and required that all businesses or non-profits utilize telework or work-from-home arrangements wherever practicable; and

WHEREAS, under Executive Order No. 107, the Governor ordered that all recreational and entertainment businesses are closed to the public, all public, private, and parochial preschool program premises, and elementary and secondary schools, including charter and renaissance schools, are closed to the public, and all institutions of higher education shall continue to cease in-person education; and

WHEREAS, on March 21, 2020, Governor Philip D. Murphy also issued Executive Order No. 108, which prohibited counties or municipalities from imposing any COVID-19 related restrictions that in any way will or might conflict with any of the provisions of Executive Order No. 107; and

WHEREAS, due to increased public interaction and gatherings at county and State parks throughout the State, Governor Murphy issued Executive Order No. 118 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, on April 29, 2020, Governor Murphy issued Executive Order 133, which among other provisions, allows the reopening with set restrictions, of all state parks and forests, no longer classifies golf courses as non-essential recreational businesses and permits the reopening of county parks subject to other stated restrictions within Executive Order 133; and

WHEREAS, on April 30, 2020, I issued Executive Order No. 2020-01F, which provided for limited reopening of golf courses and Parks' amenities; and

WHEREAS, Executive Order 133, provided that 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, and that such parks may be reopened by order of the county of jurisdiction; and

WHEREAS, after consultation with officials from the Department of Health ("DOH"), the Governor announced a multi-stage New Jersey's Road Back Plan for the methodical and strategic reopening of businesses and activities based on scientific data and metrics concerning the level of disease transmission risk and essential classification; and

WHEREAS, the State is in the first stage of the reopening process and has begun to relax restrictions on low-risk activities where appropriately safeguarded, including the resumption of certain work activities at physical locations that can meet safeguarding and modification guidelines, as well as certain outdoor activities; and

WHEREAS, consistent with this Plan, the Governor issued a number of Executive Orders, including Executive Order Nos. 133, 142, 143, 146 and 147, 148 and 149, which lifted closures and/or prohibitions on parks, beaches, lakefronts, and several outdoor recreational facilities and activities, increased capacity limits on outdoor gatherings, among other actions, with social distancing, cleaning, sanitizing, and hygiene practices in place, given repeated observations from public health experts, including but not limited to the CDC, that outdoor environments present reduced risks of COVID-19 transmission as compared to indoor environments; and

WHEREAS, on June 3, 2020, the Governor issued Executive Order No. 150, which provides for outdoor dining protocols among other provisions; and

WHEREAS, the Governor determined that it is appropriate to limit outdoor gatherings in our State to no more than 25 people to prevent increased transmission through super-spreading events and large community gatherings; and

WHEREAS, as of June 4, 2020, according to the World Health Organization, there were over 6,416,000 confirmed cases of COVID-19 worldwide, with over 382,000 of those cases having resulted in death; and

WHEREAS, as of June 4, 2020, according to the Centers for Disease Control and Prevention (CDC), there were over 1,842,000 confirmed cases of COVID-19 in the United States, with over 107,000 of those cases having resulted in death; and

WHEREAS, as of June 4, 2020, there were over 162,000 positive cases of COVID-19 in New Jersey, with at least 11,970 of those cases having resulted in death; and

WHEREAS, there have been positive cases of COVID-19 in every county in New Jersey, and there have been deaths relating to COVID-19 in every county in New Jersey; and

WHEREAS, on June 4, 2020, the Governor issued Executive Order No. 151, thereby extending the Public Health Emergency and the State of Emergency declared under Executive Order No. 103; and

WHEREAS, Bergen County continues to be the epicenter of COVID-19 cases in the State of New Jersey, which necessitates the implementation of any and all measures geared towards compliance with the guidelines of health professionals and the CDC as to social distancing in order to slow the deadly spread of the COVID-19 throughout Bergen County, and protect the health, safety, welfare and lives of the residents of Bergen County. and

WHEREAS, in accordance with the Governor's Executive Orders, the County has determined to reopen certain County parks' amenities and take other actions with the necessary restrictions to ensure compliance with the guidelines of health professionals and the CDC as to social distancing in order to slow the deadly spread of the COVID-19 throughout Bergen County, and protect the health, safety, welfare and lives of the residents of Bergen County, while allowing the ability of individuals to spend time outdoors; and

WHEREAS, the County will continue to monitor and assess the pandemic and take such future action in conjunction with the State as may be appropriate to protect the health, safety, welfare and lives of the residents of Bergen County.

NOW, THEREFORE, I, JAMES J. TEDESCO, III, as the County Executive for the County of Bergen, do hereby order and direct that:

- 1. The above recitals are repeated as if set forth herein.**

- 2. This Order shall be read in conjunction with and not contrary to the terms of any Executive Order issued by the Governor of the State of New Jersey.**
- 3. I hereby rescind Executive Order 2020-01F to the degree any of its terms conflict with any of the provisions set forth herein.**
- 4. In order to maintain compliance with the guidelines set by health professionals and the CDC as to social distancing and to prevent areas from becoming viral hotspots as the novel coronavirus COVID-19 continues to spread, I hereby order that any and public activities must be conducted in conformance with CDC, DOH and other applicable COVID-19 social distancing guidelines.**
- 5. Darlington County Park, 600 Darlington Avenue, Mahwah, shall remain closed due to construction activities.**
- 6. The following amenities shall open to the public at all County Parks effective 6a.m., June 6, 2020:**
 - a. Tennis is permitted, for singles play only, on alternate courts available for use, effective 6 a.m., June 6, 2020;**
 - b. Pickle ball is permitted for singles play, on alternate courts available for use, effective 6 a.m., June 6, 2020;**
 - c. Limited Boating is permitted to include Kayaks, Canoes, Sculls limited to single occupants, subject to acceptance and approval by the County of an operating plan compliant with CDC and other applicable social distancing guidelines, effective 6 a.m., June 6, 2020;**
 - d. Concessions are permitted to re-open subject to acceptance and approval by the County of an operating plan compliant with CDC and other applicable social distancing guidelines, effective 6 a.m., June 6, 2020;**
 - e. Park Restrooms to open, minimum of one per park, subject to all guidelines and restrictions in effect, effective 6 a.m., June 6, 2020;**
 - f. James A. Mc Faul Environmental Center (Wyckoff) Grounds will reopen to the public for walking activities, effective upon the opening of the grounds on June 6, 2020, indoor facilities shall remain Closed.**
- 7. The following amenities shall open to the public at all County Parks effective 6a.m., June 8, 2020:**
 - a. Archery is permitted, effective 6 a.m., June 8, 2020;**

- b. Basketball is permitted for single, free throw play, one rim per court available, effective 6 a.m., June 8, 2020; and
 - c. Limited Outdoor Camping at Campgaw Reservation, 200 Campgaw Road, Mahwah, is permitted, effective 6 a.m., June 8, 2020.
8. The following amenities shall open to the public at all County Parks effective 6a.m., June 15, 2020, as provided in and consistent with the Governor’s Executive Order 150 and existing park rules and regulations:
- a. Picnic areas; and
 - b. Pavilions.
9. High school sporting activities under the jurisdiction of the New Jersey State Interscholastic Athletic Association (“NJSIAA”) may resume in accordance with reopening protocols issued by NJSIAA, which shall consider DOH guidance in issuing these protocols. However, these high school sporting activities cannot resume any earlier than June 30, 2020.
10. The following amenities shall remain closed to the public at all County Parks and Historic Sites until further notice:
- a. Playgrounds;
 - b. Exercise stations and equipment;
 - c. Swimming; and
 - d. Other buildings or facilities, including, but not limited to, visitor centers and interpretive centers.
11. The following recommendations and policies shall apply to all County Parks:
- a. Employees and visitors shall wear cloth or other CDC required face coverings while in a County Park 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. Visitors may park only in designated areas and shall be prohibited from parking in roadways or other undesignated areas;
 - c. Visitors must practice social distancing and stay six feet apart whenever practicable, excluding immediate family members, caretakers, household members, or romantic partners;

- d. **No organized or contact activities or sports shall be allowed; and**
 - e. **Gatherings of no more than 25 individuals are allowed.**
12. **County golf courses shall continue to follow the previous guidelines set out in Executive Order 2020-01F, but shall allow up to 4 players per tee-time, at a minimum of sixteen (16) minute intervals.**
13. **As provided in and consistent with the Governor’s Executive Order 150, effective at 6:00 a.m. on Monday, June 15, 2020, restaurants, cafeterias, dining establishments, and food courts, with or without a liquor license, bars, and all other holders of a liquor license with retail consumption privileges, collectively referred to as “food or beverage establishments,” are permitted to offer in-person service at outdoor areas, provided that the establishment complies with the following requirements:**
- a. **All food or beverage establishments offering service in outdoor areas pursuant to the Governor’s Executive Order No. 150, located in jurisdictions under the supervision of the County Health Officer, shall comply with Executive Directive No. 20-014, issued by New Jersey Department of Health Commissioner Judith M. Persichilli, effective June 3, 2020.**
 - b. **Ensure that tables seating individual groups are six feet apart in all directions and that individual seating in any shared area that is not reserved for individual groups, such as an outdoor bar area, are also six feet apart in all directions.**
 - c. **Prohibit patrons from entering the indoor premises of the food or beverage establishment, except to walk through such premises when entering or exiting the food or beverage establishment in order to access the outdoor area, or to use the restroom.**
 - d. **Require patrons to wear a face covering while inside the indoor premises of the food or beverage establishment, unless the patron has a medical reason for not doing so or is a child under two years of age; and**
 - e. **Prohibit smoking in any outdoor areas designated for the consumption of food and/or beverages. The requirement that food or beverage establishments impose this prohibition shall automatically sunset once food or beverage establishments are permitted to offer in-person service in indoor areas.**
 - f. **As provided in and consistent with the Governor’s Executive Order 150, nothing in this Order shall prevent a food or beverage establishment that**

offers take-out options from allowing an individual who is seeking take-out rather than table service to enter the indoor premises of the establishment to place an order, make payment, and pick up food or beverages, including in situations where a food or beverage establishment makes outdoor areas without table service available. Such individuals shall wear a face covering while inside the indoor premises of the food or beverage establishment, unless the individual has a medical reason for not doing so or is a child under two years of age.

- g. Limit capacity to a number that ensures all patrons can remain six feet apart from all other patrons at all times, and comply with Executive Directive No. 20-014, issued by New Jersey Department of Health Commissioner Judith M. Persichilli, effective June 3, 2020, as to those patrons sharing tables;**
 - h. Municipalities are permitted to use their existing authority to allow food or beverage establishments to expand their footprint to outdoor areas, both within their property and among municipally-governed areas, including but not limited to sidewalks, streets, or parks. Any additional density and social distancing requirements imposed by municipalities on food or beverage establishments offering in-person service at outdoor areas are not inconsistent with Executive Order No. 108 (2020).**
 - i. Road closure requests must follow normal process and procedure. If a municipality seeks to close off a County roadway for outdoor dining purposes it still must obtain County approval through the normal approval process, and obtain the necessary authorization, including but not limited to that of the County Engineer and Sheriff.**
 - j. Enforcement of road closings on all roads, including County roads, shall occur on the local level and be the obligation of the municipality.**
- 14. Municipalities that make outdoor shared spaces such as sidewalks, streets, or parks, available for use by food or beverage establishments should equitably divide these spaces among food or beverage establishments that can feasibly use it.**
- 15. Effective at 6:00 a.m. on Monday, June 15, 2020, the brick-and-mortar premises of non-essential retail businesses that were closed to the public by Executive Order No. 107 (2020) can reopen to the public, provided that such businesses adopt policies that include, at minimum, the requirements that were applied to essential retail businesses in Paragraph 1 of Executive Order No. 122 (2020).**
- 16. It shall be the duty of every person or entity in this County or doing business in this County and of the members of the governing body and every official, employee, or agent of every political subdivision in this**

County, and of each member of all other governmental bodies, agencies, and authorities in this County, of any nature whatsoever, to cooperate fully in all matters concerning any Governor's Executive Order and this Order.

17. Penalties for violations of this Order may be imposed under, among other statutes, N.J.S.A., App. A: 9-49 and -50.
18. This Order shall take effect immediately and as specified herein, and shall remain in effect until revoked or modified by the Governor or by the County Executive as to those areas authorized.
19. A copy of this Executive Order shall be immediately transmitted to the Bergen County Board of Chosen Freeholders.
20. Questions with respect to the provisions of the within Executive Order may be presented by email to the County at EOquestions@co.bergen.nj.us, or by calling the County during normal business hours at (201) 336-6010.

A handwritten signature in blue ink that reads "James J. Tedesco, III". The signature is written in a cursive style with a large initial 'J' and a distinct 'III' at the end.

James J. Tedesco, III
County Executive
Dated: June 5, 2020

Attest:
/s/ Julien X. Neals
County Counsel/Acting County Administrator