

## **EXECUTIVE ORDER # 11**

Pursuant to Executive Order # 2 Establishing a State of Emergency in the Town of Dover, Morris County and Pursuant to the State of New Jersey Office of Emergency Management Directive No. 61 as it relates to Coronavirus (COVID-19)

**WHEREAS**, In light of the dangers posed by COVID-19, the Town of Dover established a State of Emergency in the Town of Dover pursuant to Executive Order # 2 issued on March 16, 2020; and

**WHEREAS**, Pursuant to applicable law, as recited in Executive Order # 2, which authorizes the promulgation of Orders, Rules, and Regulations, and such Regulations are necessary to meet the various problems, which have or may occur due to such emergency; and

**WHEREAS**, Pursuant to the powers vested by Chapter 251 of the Laws of 1942, as amended and supplemented, J.J.S.A. APP. A: 9-30 et seq.; N.J.S.A. 40:48-1(6); N.J.S.A. 2C:33-1 et seq.; whichever law or laws exist apply, including, the Code of the Town of Dover, a local disaster emergency is declared to exist within the boundaries of the Town of Dover; and

**WHEREAS**, Executive Order # 2 was approved by the Morris County Office of Emergency Management (OEM); and

**WHEREAS**, COVID-19 is a contagious, and at times fatal, respiratory disease caused by the SARS CoV-2 Virus and was declared to be a global pandemic by the World Health Organization on March 11, 2020; and

**WHEREAS**, The conditions under which a State of Emergency continues to exist with respect to COVID-19 in the Town of Dover Executive Order # 2 continues to exist, the facts and circumstances thereof are adopted herein; and

**WHEREAS**, Governor Phil Murphy has issued a series of Executive Orders that set forth further restrictions to reduce the spread of COVID-19 infections; and

**WHEREAS**, the Town has issued Executive Orders 3, 4, 5, 6, 7, 8, 9, 10, & 11 to support the health, safety, and welfare of the residents of the Municipality, the facts and circumstances of which are adopted herein; and

**WHEREAS**, As of April 23, 2021, 2021 the State of New Jersey reports there are 996,000 confirmed positive cases of COVID-19 and 25,367 cases of death

**WHEREAS**, As of April 23, 2021, the County of Morris reported 49, 274 cases of COVID-19 and 1,207 deaths; and

**WHEREAS**, As of April 23, 2021 the Town of Dover has 2,790 confirmed COVID-19 cases and 74 deaths; and

**WHEREAS**, the death of each and every person is a profound tragedy to us all, but especially when Dover has lost 74 of our own to this worldwide pandemic; and

**WHEREAS**, the COVID-19 emergency and its impact are likely to extend for an as-yet-undetermined period of time beyond the estimated peak despite the downward trend of new infections and deaths in our state; and

**WHEREAS**, as part of the State's response to COVID-19, DOH has created a comprehensive Plan to manage the receipt, administration, and tracking of the vaccines developed to inoculate the State's residents and workforce against COVID-19; and

**WHEREAS**, As of April 5, 2021, the State has thus far administered over 4.7 million doses of COVID-19 vaccines to individuals that live, work, and are educated in New Jersey and fit into specified high-risk categories, including healthcare workers and residents and staff of congregate care facilities that are at greater risk of exposure to COVID-19, frontline first responders including sworn law enforcement officers, individuals over the age of 65, and individuals aged 16 to 64 years who are more inclined to severe illness as the result of exposure to COVID-19; and

**WHEREAS**, On April 19, 2021, the White House announced that everyone over the age of 16 is eligible to receive a vaccination; and

**WHEREAS**, though additional vaccines are currently under development, the first vaccines that arrived in the State require two doses to be effective; and

**WHEREAS**, the process of vaccinating the population to levels sufficient to establish community immunity is expected to take many months; and

**WHEREAS**, while New Jersey is rapidly expanding its capacity to vaccinate large numbers of individuals each day, it is still appropriate to maintain strict mitigation

protocols, including overall limits on capacity in establishments open to the public, to ensure spread is limited while dissemination of the vaccine continues; and

**WHEREAS**, it is critical that individuals continue to follow social distancing, masking, and other infection control protocols while vaccine administration is ongoing in the State; and

**WHEREAS**, as COVID-19 continued to spread across New Jersey, the Governor issued a series of Executive Orders pursuant to his statutory authority, which orders have been aimed at protecting the health, safety, and welfare of the public against the emergency created by COVID-19; and

**WHEREAS**, pursuant to the State of Emergency, the Town saw fit to limit the hours of operation and number of patrons in certain public venues; and

**WHEREAS**, Pursuant to Governor Murphy's Executive Order # 219, municipalities and counties will still be permitted to impose hours of operation restrictions on non-essential businesses between the hours of 8:00 p.m. and 5:00 a.m. each day. This includes restrictions on dining in restaurants, although they cannot restrict takeout or delivery services. Municipalities and counties have been able to impose these hours restrictions since November 12 of last year, when Governor Murphy signed Executive Order No. 195; and

**WHEREAS**, The Municipality has developed a Comprehensive Plan for Restaurant and Bar Hours of Operation ("the plan") that is based on objective, scientific data due to the unique COVID-19 circumstances in the Town of Dover; and

**WHEREAS**, The plan allows for the incremental increase of hours of operation for the Town's restaurants and bars in phases; and

**WHEREAS**, The Town held a meeting with the business owners on February 9, 2021 to discuss the plan; and

**WHEREAS**, The business owners and the public were made aware of the plan on the Town's website and social media outlets and it was discussed at the February 9, 2021 meeting of the Mayor and Board of Aldermen; and

**WHEREAS**, The Town Administration conducted an analysis of the conditions of the Municipality pursuant to the Plan and found that it is in the best interests of the community to enter into the next phase of the Plan;

**WEHREAS**, As a part of the ongoing analysis and evaluation to determine the safety of expanding closing times of restaurants and bars, the Town is taking a measured approach and is now implementing an intermittent step;



**NOW THEREFORE**, Based upon the foregoing, the OEM Coordinator and the Mayor believe it is necessary for the health, safety, and welfare of the Town to amend or augment existing Executive Orders in the following manner:

1. All Executive Orders of Governor Phil Murphy issued to date are hereby incorporated into this Order and shall have full force and effect; and
2. All orders of the Town of Dover Executive Order # 2 and all subsequent Orders, hereby remain in full force and effect unless expressly rescinded or modified in this Order, another Municipal Order, or superseded by the laws of the federal government or State of New Jersey including, but not limited to N.J.S.A. App. A:9 40, or by an Order of the Governor; and
3. Paragraph # 3 of Municipal Executive Order # 10 is hereby modified in the following manner consistent with Governor Murphy's Executive Order # 219. All restaurants, dining establishments, with or without a liquor license, all bars, and all other holders of a liquor license with retail consumption privileges, are permitted to open according to their regular business hours; however, all said businesses may remain open until no later than 12:00 a.m. with the exception of Fridays, Saturdays, and Sundays when all said businesses may remain open until 2:00 a.m. effective April 24, 2021 until further notice; and
5. It shall be the duty of every person or entity in this Municipality or doing business in this Municipality and of the members of the governing body and every official, employee or agent of every body, agency, department, and authority in this Municipality to cooperate fully in all matters concerning this Executive Order and cooperate fully with Administrative Orders issued pursuant to this Executive Order; and
6. The Town Administrator is hereby expressly authorized and empowered to develop and implement procedures to enforce the aforementioned Orders including all previous Orders, which are incorporated herein; and
7. The Town of Dover Police Department is authorized and empowered to fully enforce, among other things, the Executive Orders of Governor Phil Murphy and the Executive Orders of the Town of Dover, pursuant to the directives of the Attorney General of the State of New Jersey and the Morris County Prosecutor's Office; and
8. This Executive Order will have immediate effect and shall remain in effect until revoked or modified by the OEM and the Mayor in a subsequent Order. All provisions

of any previously issued Order not expressly rescinded or modified by this Order remain in full force and effect. Any provision of this document deemed unenforceable by a court of competent jurisdiction shall apply to that specific provision and all other provisions shall remain in effect.

Hereby ordered by:

Aldo Licchetta #0152  
Emergency Management Coordinator

4-23-2020  
Date

Carolyn Blackman  
Carolyn Blackman, Mayor, Town of Dover

4-23-2020  
Date