



TOWN of DOVER
Mayor Carolyn Blackman

EXECUTIVE ORDER # 5

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 ex 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 and 4 to support the health, safety, and welfare of the residents of the Municipality, the facts and circumstances are adopted herein; and

WHEREAS, As of June 12, 2020, the State of New Jersey reports there are 166,000 confirmed positive cases of COVID-19 and 12,489 cases of death

WHEREAS, As of June 12, 2020, the County of Morris reported 6,499 cases of COVID-19 and 595 deaths; and

WHEREAS, As of June 12, 2020 the Town of Dover has 687 confirmed COVID-19 cases and 57 deaths, which places the town consistently in the top three highest number of infections of all municipalities in Morris County; and

WHEREAS, the death of each and every person is a profound tragedy to us all, but especially when Dover has lost 57 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 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, including Executive Order Nos. 104-133, Nos. 135-138, and Nos. 140-149 (2020); and

WHEREAS, Executive Order No. 104 limited all restaurants, dining establishments, and food courts, with or without a liquor license, all bars, and all other holders of a liquor license with retail consumption privileges, to offering food delivery and/or take-out services only, meaning that they could not allow the on-premises consumption of food or beverages; and

WHEREAS, as the State continues to see a decrease in disease transmission, the Governor announced a multi-stage plan to reopen businesses and activities in the State; and

WHEREAS, as part of that plan, on June 3, 2020, Governor Murphy signed Executive Order 150, which permits, beginning on June 15, 2020, food or beverage establishments, such as restaurants, cafeterias, dining establishments, and food courts, with or without a liquor license; and bars and all other holders of a liquor license with retail consumption privileges, to offer in-person service at outdoor areas only; and

WHEREAS, pursuant to Executive Order 150, the New Jersey Commission of Health has issued Executive Order 20-014, which provides detailed protocols for food or beverage establishments offering services in outdoor areas; and the Acting Director of the New Jersey Division of Alcoholic Beverage Control issued a Special Ruling Establishing a Temporary COVID-19 Permit to Expand Licensed Premises; and

WHEREAS, Executive Order 150 grants to municipalities the authority to make all decisions with respect to establishing the process for allowing and determining the

location of restaurants or bars to expand their service footprint on their property and potentially into shared spaces in a way that comports with public safety; and

WHEREAS, the Mayor and the Board of Aldermen standing Economic Development and Redevelopment Committee want to ensure that outdoor seating for food or beverage establishments is undertaken in a manner that both returns those businesses to successful operation quickly and in a manner consistent with the health and safety concerns of Covid-19, and also does not interfere with the operations of non-food or beverage retail establishments, which are also permitted to re-open on June 15, 2020, pursuant to Executive Order 150.

WHEREAS, the Mayor and the Board of Aldermen standing Economic Development and Redevelopment Committee fully support our business community and recognizes that their success is beneficial to everyone in our Town; and

WHEREAS, the Mayor and Board of Aldermen standing Economic Development and Redevelopment Committee also recognize that our residents are looking for safe ways to engage in their community, participate in economic life, and support our business community; and

WHEREAS, the Dover Department of Health and the OEM, based on Dover's history with COVID-19, believe it is appropriate to move forward with outdoor dining pursuant to the protocols as set forth the *Town of Dover's Guidance Implementing the Provision of the Governor's Executive Order 150 ("E.O. 150") Regarding the Temporary, Conditional Reopening of Retail Establishments--"Outdoor Dining" in Dover, NJ Morris County* dated June 15, 2020, which by reference is incorporated into this Executive Order.

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 Executive Order # 4 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. To the extent the Governor's Order allows for the Municipality to exercise its discretion as to the implementation of a specific directive, and the Town of Dover, in its best interested has exercised its discretion and deviated from that Order, unless otherwise expressly stated in this Executive Order, the directive of the Governor as drafted in his Order shall be in full force and effect, which shall be ratified by the Mayor and Board of Aldermen no later than the July meeting of the Mayor and Board of Aldermen; and
3. All orders of the Town of Dover Executive Order # 2 hereby remain in full force and effect unless expressly rescinded or modified in this 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

4. To effectuate implementation of Governor Murphy's Executive Order No. 150 along with the State of New Jersey Department of Health Executive Directive No. 20-014 and SR 2020-10 Special Ruling Establishing Temporary COVID-19 Permit to Expand Licensed Premises, and subsequent Orders related to the aforementioned documents, the Deputy Administrator is hereby empowered to promulgate and enact all procedures for the subject businesses in the Town of Dover, which shall be enforceable under this Order; and
5. The Acting Municipal Clerk is hereby expressly authorized and directed to develop plans and procedures to fully implement SR 2020-10 Special Ruling Establishing Temporary COVID-19 Permit to Expand Licensed Premises, which shall be ratified by the Board of Alderman no later than the July meeting of the Mayor and Board of Aldermen; and
6. The Mayor and Economic Development and Redevelopment Committee and OEM approve the use of certain public property and rights of way as determined by the Engineering Department, as necessary or appropriate for outdoor seating for food and beverage establishments; and
7. Notwithstanding any other provision of the Town Code of the Town of Dover, the Clerk may permit outdoor expansion areas into certain areas, as long as these areas are accessible from the licensed premises and comply with all provisions of Executive Order 150, Executive Order 20-014, and the ABC Special Ruling concerning public health and social distancing requirements.
8. Paragraph # 6 of the Town of Dover Executive Order # 2 is modified in the following manner: Stay-at-Home Directive ends, residents are permitted to conduct essential business, approved recreational activities, and all other activities permitted by Governor Murphy's Executive Orders, with limitations pursuant to paragraph 2 of this Order. Residents are mandated to keep social distancing and wear masks when leaving their homes, except when exercising social distancing at outdoor dining locations. All other mandates remain in effect; and
9. Paragraph # 13 of the Town of Dover Executive Order # 2 is hereby modified in the following manner: By Order of Justice Rabner, the Municipal Court shall be closed for in person proceedings, any exceptions noted, but shall be open for virtual proceedings. This Order shall remain in affect until further notice of Justice Rabner. All other mandates remain in full force and effect; and
10. 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 everybody, 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.
11. The Deputy Town Administrator is hereby authorized and empowered to develop and implement procedures to enforce the aforementioned Orders; and

12. 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
13. 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:


Emergency Management Coordinator

6/15/2020
Date


Mayor, Town of Dover

6/15/2020
Date

MESSAGE TO THE COMMUNITY:

Because the COVID-19 virus has been deemed a pandemic, we recognize there will be disruption to Town services and access to Town Hall and other public buildings. Notwithstanding, as local government officials, public workers, volunteers and other contracting agencies and personnel, we will do our best to continue to provide essential services for the public good of our Town residents. We regret having to close or limit services normally provided to school children, parents, seniors, disabled persons and those who rely on Town resources. However, our Emergency Management Team will continue to monitor the public health emergency closely and is prepared respond to any contingencies that arise.

The Town will continue to provide residents with public service announcements as necessary using our "Smart911 reverse" call service and will maintain our website and social media with updates as they become available. Please visit our website at :

- <https://www.facebook.com/townofdovernj/>
- <https://www.dover.nj.us>

While we rely upon the expertise of federal, state and county officials to help contain this virus, we have faith in our neighbors and fellow citizens to rise to this challenge for the good of our Town in the weeks to come.

In the meantime, be safe and please follow recommended guidance from your healthcare provider.