



June 2020

The Phased Reopening of Outdoor Activities and Facilities

Governor Murphy announced his plan to reopen New Jersey on May 18, 2020, which established four “phases,” based on the COVID-19 statistics and the principal of “*Restoring Economic Health through Public Health*” available at <https://www.nj.gov/governor/news/news/562020/approved/20200518a.shtml>. In conjunction with the implementation of his plan, Governor Philip Murphy issued a series of Executive Orders over the past few weeks that slowly re-opened outdoor facilities and activities. What follows is a timeline of what has been reopened to date and what is scheduled to reopen in the near future, with the specified health and safety protocols.

Executive Order No. 133, issued April 29, 2020; <https://nj.gov/infobank/eo/056murphy/pdf/EO-133.pdf>

This EO reopened State and county parks and forests for passive recreational activities where social distancing can be readily achieved. Permitted activities included fishing and hunting, boating and canoeing, hiking and walking, running and jogging, and biking and horseback riding. Municipal, county, and State golf courses may also re-open with occupancy restrictions, social distancing safeguards, and cleaning requirements. However, miniature golf courses and driving ranges will remain closed.

The EO mandated the following areas shall remain closed in State parks and forests:

- Picnic areas
- Playgrounds, exercise stations, and equipment
- Pavilions, restrooms, visitor centers, and interiors of historical sites.

Certain restrictions were set forth in the EO:

- Face coverings should be worn when social distancing cannot be maintained
- Parking will be limited to 50% of maximum capacity
- Picnicking is prohibited
- Organized activities, contact sports, and gatherings in parks are not permitted
- Recreational campgrounds and transient campsites must remain closed

Counties and municipalities may re-open parks with at least the same, or higher level, of restrictions.

Executive Order No. 142, issued May 13, 2020; <https://nj.gov/infobank/eo/056murphy/pdf/EO-142.pdf>

This EO permits the resumption of non-essential construction projects with the proper safeguards in place such as restricting visitors, practicing social distancing, and controlling congregating at high-risk areas.

Gatherings where attendees remain in their vehicles are now permitted, provided the attendees remain in the vehicle for the duration of the gathering, vehicles must be spaced at least 6 feet apart or the windows, doors, and sunroofs of the vehicles must remain totally closed.

Non-essential retail businesses may re-open for curbside pick-up with strict safeguards for customers and retail clerks. Customers may not enter the brick-and-mortar store and must pre-order and pre-pay for the goods.

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Executive Order No. 143, issued May 14, 2020; <https://nj.gov/infobank/eo/056murphy/pdf/EO-143.pdf>

This EO opened public and private beaches, boardwalks, lakes, and lakeshores with the following restrictions:

- Water fountains, picnic areas, playgrounds, pavilions and visitor centers, indoor recreational areas, water play areas such as splash parks, and other ancillary buildings shall remain closed.
- Bathrooms, showering, and changing areas are excluded from the above list of closed facilities.
 - Limit occupancy in public restrooms through signage or where practical using attendants
 - Foot pedals or motion sensors must be provided for each shower pedestal and requiring foot coverings by users
 - Establish a cleaning schedule in accordance with CDC guidelines, <https://www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.html>
- Beaches, boardwalks, lakes, and lakefronts must
 - Impose non-discriminatory capacity restrictions such as limiting available beach tags
 - Provide for social distancing / physical barriers at beach badge sale points
 - Require users to practice social distancing by such measures at controlling entrance points and demarcating 6 foot of spacing
 - Remove or otherwise restrict access to benches and tables to discourage gatherings
 - Routinely clean and disinfect high-touch areas at appropriate intervals in accordance with CDC and DOH guidelines. Workers who perform the cleaning and disinfection must be trained and provided with protective equipment.
 - Encourage staff and visitors to wear face coverings
- Develop lifeguard policies and training programs that support COVID-19 considerations
- Continue the prohibition of gatherings such as festivals, concerts, fireworks, and movies of Executive Order No. 133.
- Restaurants, bars, concessions, snack bars, and food trucks may only offer food delivery and / or take-out services.
- Amusement parks, arcades, and other places of public amusement must remain closed. This extends to public piers, docks, and boat ramps and landings.

Executive Order No.147, issued May 18, 2020; <https://nj.gov/infobank/eo/056murphy/pdf/EO-147.pdf>

This EO reopened:

- outdoor public archery and shooting ranges,
- batting cages,
- golf driving ranges,
- tennis clubs, and
- community gardens

The establishments must adopt policies on limiting gatherings to 10 people, social distancing, remote reservations, and payment, limit the use of rented or shared equipment, promote good hand hygiene practices by visitors and

staff, and establish frequent cleaning and disinfection protocols. Facial coverings should continue to be worn by visitors and staff.

Amusement parks, arcades, and other places of public amusement associated with the above establishment must remain closed. The following shall also remain closed: picnic areas, playgrounds, pavilions fitness centers, and locker rooms. Restrooms may remain open with the proper occupancy and social distancing precautions and cleaning schedule.

Executive Order No.148, issued May 22, 2020; <https://nj.gov/infobank/eo/056murphy/pdf/EO-148.pdf>

This EO allowed gatherings of up to 25 persons (amending E.O. 107) outdoors with the same 6-foot social distancing, facial coverings, and precautions that restrict contact between attendees other than immediate family members, romantic partners, and caregivers. Facial coverings should still be worn. Organizers of the gathering should demarcate 6-foot distancing and demonstrate appropriate distancing. Seating must be arranged to promote 6-foot spacing. Seating and shared equipment must be sanitized after the event. These provisions apply to gatherings at State, county, and municipal parks, beaches, boardwalks, lakes, and lakeshores. Special events at these locations are still prohibited.

Open-air tarps and tents are permitted for protection from inclement weather or for shade. Attendees must remain outdoors at all times, with the sole exception being for use of a restroom. If seating is provided, it must be limited to single individuals, immediate family members, romantic partners, or caregivers.

Private recreational campgrounds may reopen with the proper safeguards. County and municipally-owned campgrounds may also reopen with the same safeguards in place.

Indoor events are still limited to 10 people with the proper precautions.

Schools may now allow individuals, including students onto premises, but only to engage in passive recreational activities and within 10-person limit and proper social distancing. EO 148 continued the prohibition on contact and other sports that involve participants routinely interacting within 6 feet.

Executive Order No. 149, issued May 30, 2020; <https://nj.gov/infobank/eo/056murphy/pdf/EO-149.pdf>

Governor Murphy's EO 149 rescinds EO 110 effective June 15, 2020, and the following facilities are included in this EO.

- **On June 15, child care centers and child care facilities** may resume operations, provided they comply with the COVID-19 Child Care Standards and other applicable regulations. All child care centers must submit an attestation to the Department of Children and Families (DCF) that they will follow all applicable health and safety standards at 24 hours before resuming operations. Centers may engage in pre-operational activities ahead of June 15. The NJDOH has been charged with formulating and distributing guidance to Child Care Centers and Facilities.
- **Youth summer camps and summer recreation programs** are permitted to operate starting on July 6, provided they comply with the COVID-19 Youth Summer Camp Standards and other applicable regulations. Camps must submit an attestation to the Department of Health (DOH) that they will follow all applicable health and safety standards at 24 hours before resuming operations. Youth camp operators

wishing to commence operations of a youth camp after July 6, 2020, may do so only if they have submitted such an application at least fourteen days prior to the start date. Camps may engage in pre-operational activities ahead of July 6. Residential and overnight camps are still prohibited from operations.

- Effective June 22, **organized outdoor sporting activities including sports leagues** may resume, **EXCEPT** contact sports or activities that involve person-to-person contact or routinely entail individuals interacting within 6 feet of one another. Contact sports or activities that entail close contact remain prohibited in any setting. **High school sporting activities** may reopen on or after June 30, in accordance with the N.J. State Interscholastic Athletic Association protocols.

Please note, the N.J. Department of Human Services has made available up to \$20 million in grants to assist child care centers and youth camps to help meet health and safety guidelines in response to COVID-19. The money can be used to purchase cleaning products, personal protective equipment such as masks and gloves, thermometers, and other products and services to open and operate during the pandemic. The grants are available to licensed child care providers and youth camps that comply with updated state health and safety guidance. The providers must be registered with the [NJ Workforce Registry](#) and must apply through the [New Jersey Child Care Information System \(NJCCIS\)](#).

The Safety Director recommends adherence to the CDC recommendations to keep communities safe while resuming daycares and day camps while providing crucial support for parents and guardians returning to work. The recommendations are attached and can be also found at <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-day-camps.html>.

In light of the ongoing COVID-19 pandemic concerns, the Safety Director recommends consideration of the use of an “indemnification” or “hold harmless” agreement that addresses the use of municipal facilities by sports leagues or other third parties. The agreement or certification would include the 3rd party’s assurance that they have reviewed and will adhere to Governor Murphy’s Executive Order # 149, the CDC guidelines, and the NJ Department of Health guidelines for COVID-19 in all respects while they are using the municipal facilities and that the organization shall hold the municipality harmless from liability. Please consult with your local municipal attorney and risk management consultant regarding this recommendation.

The Safety Director will monitor future Executive Orders and keep our members advised.