

EMERGENCY DECLARATION NO. 2020-01

**Effective:
March 16, 2020
8:00 p.m.**

**TOWNSHIP OF MIDDLETOWN
COUNTY OF MONMOUTH
STATE OF NEW JERSEY**

**DECLARATION OF LOCAL DISASTER EMERGENCY DUE
TO NOVEL CORONAVIRUS DISEASE (COVID-19) OUTBREAK**

WHEREAS, the Novel Coronavirus Disease 2019 (“COVID-19”) is a highly contagious, and at times fatal, respiratory disease caused by the SARS-CoV-2 virus; and

WHEREAS, on January 31, 2020, the United States Secretary of Health and Human Services (“HHS”) declared a public health emergency, under section 319 of the Public Health Service Act (42 U.S.C. 247d) in response to COVID-19; and

WHEREAS, on March 9, 2020, Governor Phil Murphy declared a State of Emergency pursuant to Executive Order No. 103 to address the COVID-19 pandemic; and

WHEREAS, on March 11, 2020, the World Health Organization announced that the COVID-19 outbreak can be characterized as a pandemic, as the rates of infection continue to rise in many locations around the world and across the United States; and

WHEREAS, on March 13, 2020, President Donald J. Trump declared a National Emergency under sections 201 and 301 of the National Emergencies Act (50 U.S.C. 1601 et seq.) and consistent with section 1135 of the Social Security Act (“SSA”), as amended (42 U.S.C. 1320b-5) concerning COVID-19 outbreak; and

WHEREAS, on March 16, 2020, Governor Phil Murphy issued Executive Order No. 104 ordering and directing additional emergency measures to help contain the COVID-19 outbreak; and

WHEREAS, pursuant to N.J.S.A. App. A:9-40.5, it is hereby necessary to declare a local disaster emergency within the Township of Middletown, therefore, authorizing the issuance and enforcement of any orders that may be necessary to implement and carry out emergency management operations and to protect the public health, safety, welfare, and resources of the residents of Middletown; and

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WHEREAS, pursuant to N.J.S.A. 40:48-1 and N.J.S.A. 2C:33-1, the Township of Middletown will use its general police powers, and where necessary, apply provisions of the criminal code to disburse any unauthorized gatherings hereunder.

NOW, THEREFORE, BE IT DECLARED and ORDERED that the Township of Middletown in the County of Monmouth, State of New Jersey is hereby under a local disaster emergency **effective March 16, 2020 at 8:00 p.m.**, and until such time that this Declaration and Order is repealed the following measures must be taken and will be enforced, along with any other laws or orders imposed by the Governor of the State of New Jersey:

1. All bars and restaurants, with or without liquor licenses, shall hereby be prohibited from serving any patrons on their premises at any time, but may conduct take out or delivery services only. Bars that do not serve food shall be closed. This directive shall also apply to private clubs and fraternal organizations that serve food and alcohol.
2. All public theatres, gyms, indoor sports arenas/facilities, and health clubs shall hereby be closed at all times.
3. All non-essential places of business open to the general public shall only be open from 5:00 a.m. at the earliest until 8:00 p.m. at the latest. When opened, non-essential places of business with an occupancy of greater than 50 people shall be closed or limited to no more than 50 occupants at any one time and shall exercise social distancing practices as recommended by the Centers for Disease Control ("CDC").
 - a. Supermarkets, stores selling food and personal products, pharmacies, medical facilities, and gas stations (including ancillary food markets) shall be considered essential places of business not subject to the above restrictions, but are advised to exercise social distancing practices.
 - b. Supermarkets or other stores selling prepared or other consumable foods on site, may not allow such foods to be consumed by the general public on site (employees may eat on site only).
4. All supermarkets, and applicable stores with more than three check out lines, shall, within 24 hours, establish a minimum of one checkout line reserved for patrons over the age of 65.

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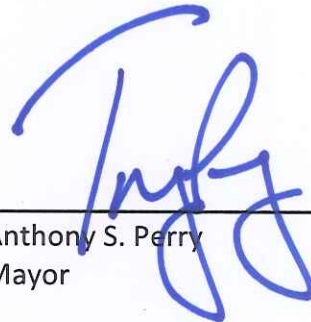
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5. All public or private gatherings of more than 50 people at any one location shall be strictly prohibited.
6. A mandatory curfew shall be in place for anyone under the age of 18 not accompanied by an adult of 21 years or older from 8:00 p.m. until 5:00 a.m. each day unless it is an emergency circumstance or travel is required for employment.
7. All buildings and facilities of the Township of Middletown, except for outdoor public park facilities, shall be closed to the public except in the case of an emergency whereby a member of the public needs assistance from police, fire or emergency medical personnel.
8. All non-essential meetings of the Township of Middletown, its boards and commissions, are hereby cancelled until further notice.

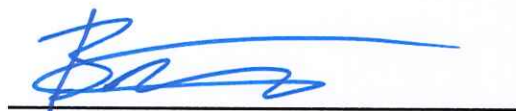


Charles Rogers
Emergency Management Coordinator



Anthony S. Perry
Mayor

Attest:



Brian M. Nelson, Esq.
Township Attorney