

Governor Murphy Signs Executive Order Permitting Resumption of Non-Essential Construction, Curbside Pickup at Non-Essential Retail Businesses, and Gatherings in Cars

As part of New Jersey's Road Back, Governor Phil Murphy today signed Executive Order No. 142, permitting the resumption of non-essential construction, curbside pickup at non-essential retail businesses, and car gatherings for the purpose of drive-through and drive-in events. The construction and non-essential retail provisions will take effect at 6:00 a.m. on Monday, May 18, while the car gatherings provision will take effect immediately.

Non-Essential Construction: The Order permits non-essential construction projects to resume effective at 6:00 a.m. on Monday, May 18. All construction projects must abide by the social distancing, safety, and sanitization requirements that are described in detail in the Governor's Executive Order.

Curbside Pickup at Non-Essential Retail Businesses: The Order also permits non-essential retail businesses to allow curbside pickup of goods, beginning at 6:00 a.m. on Monday, May 18, but businesses must continue to have their in-store operations closed to customers. Businesses who choose to offer curbside pickup must abide by the requirements in the Order, which include but are not limited to the following:

- In-store operations should be limited to those employees who are responsible for the operations required for curbside pickup;
- Customer transactions should be handled in advance by phone, email, facsimile or other means that avoid person-to-person contact;
- Customers shall notify the retailer by text message, email, or phone once they arrive, or make best efforts to schedule their arrival time in advance. The customer should be asked to remain in their vehicle, if arriving by car, until store staff delivers the purchase;
- Designated employees should bring goods outside of the retail establishment and place goods directly in a customer's vehicle when possible, avoiding person-to-person contact; and
- Such businesses must follow social distancing and mitigation practices outlined in previous orders, including requiring workers to wear cloth face coverings when in contact with other workers or customers and gloves when in contact with goods or customers.

Car Gatherings: The Order states that car gatherings do not violate the Governor's ban on gatherings under Executive Order No. 107. Examples of such car gatherings include but are not limited to drive-in movies, religious services, or drive-through farms or safaris. Car gatherings will be subject to the restrictions in the Order, which include but are not limited to the following:

- Attendees must remain in their same car throughout the gathering, unless 1) an occupant needs to get out of the vehicle for their health or safety or 2) an occupant needs to use the restroom;

- The vehicle must remain closed at all times unless 1) there is six feet of distance between other vehicles or individuals or 2) an officer, public official or guard requires the vehicle to open. There is a further exception allowing the opening of the vehicle if necessary for health or safety;
- Individuals organizing the gathering who are not in vehicles must follow social distancing and wear cloth face coverings; and
- To the degree that a gathering requires pre-payment, or seeks donations of any kind, contactless options for pre-payment or donation, such as online or by telephone, must be offered wherever feasible.

Retail businesses operating in shopping malls are permitted to operate by curbside pickup, in accordance with the other requirements of this paragraph, but staff must bring the goods to customers at the exterior of the mall. The indoor portions of shopping malls must remain closed, as required by the Governor's previous orders.