COVID-19 Issues Update:

The NJBMDA Board of Directors held a conference call on 3/18 to proactively address the confusion caused by conflicting local and state COVID-19 directives. The Board requested the following clarification.

The NJBMDA is aware of several towns and counties throughout the State of New Jersey which have enacted emergency declarations that are in conflict with Governor Murphy’s Executive Orders 103 (“EO 103”) and Executive Order (“EO 104”) (collectively the “Orders”).

NJBMDA has confirmed with the Governor’s Office that the Orders are the controlling documents to follow, and that any county or local rule that is in effect that conflicts with the Orders are null and void specifically related to operations in this time of emergency.

Specifically, the Orders state at Paragraph 12 that:

In accordance with N.J.S.A. App. A:9 40, no municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or which will in any way interfere with or impede the achievement of the purposes of this Order.

Therefore, as it relates to county or local actions that would impede the ability for citizens to obtain goods or ordinances that may cause further community spread, the Orders supersede those actions and prevent their enforcement until the Orders are lifted.

The State police have the responsibility to enforce the law and rules during this declared emergency and should be working with local law enforcement for support. Just to be clear you are not yet considered an essential business and therefore a retail operation legally allowed to operate between the hours of 5am and 8pm.

For your reference, copies of Executive Orders 103, 104 and a directive sent from the Administration to local law enforcement which also clarifies the oversight of state police were attached with this email.

Questions?
Please contact Kirk Ives, Director of Government Affairs at 518-880-6376 or kives@nrla.org.