

BOARD OF CHOSEN FREEHOLDERS
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION
No. 250-20

**RESOLUTION PROHIBITING THE LODGING OF TRANSIENT GUESTS
OR SEASONAL TENANTS WITHIN THE COUNTY OF CAPE MAY AND
REQUEST FOR MUNICIPALITIES TO IMPOSE ADDITIONAL
RESTRICTIONS ON BEACHES AND BOARDWALKS**

WHEREAS, on January 31, 2020, the United States Department of Health declared a public health emergency for the United States in order to aid in preventing the spread of COVID-19;

WHEREAS, on March 9, 2020, the State of New Jersey declared a Public Health Emergency and State of Emergency due to the danger to public health caused by COVID-19 and its rapid spread through New Jersey, Pennsylvania, Delaware and New York;

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a pandemic, which means it is an epidemic that has spread over several countries or continents and affects a large percent of the population;

WHEREAS, on March 13, 2020, as the rates of infection continued to rise in many locations around the world and across the United States, President Donald J. Trump declared a National Emergency concerning the COVID-19 outbreak;

WHEREAS, Resolution 215-20 of the Board of Chosen Freeholders declared COVID-19 a public health emergency in the County of Cape May and recommended certain preventative measures to protect the health, safety and welfare of Cape May County residents;

WHEREAS, on March 20, 2020, Governor Philip D. Murphy issued Executive Orders 107 and 108 in an effort to further reduce the rate of community spread of COVID-19;

WHEREAS, Executive Order 108 determined that unitary management was necessary during this pandemic, but recognized that there are certain limited circumstances in which it may be beneficial for localities to impose additional restrictions, and specifically identified that certain localities may have legitimate concerns about an influx of visitors, which may cause public health concerns;

WHEREAS, Executive Order No. 108 permits localities to impose additional restrictions in response to COVID-19 on online marketplaces for arranging or offering lodging, on county and municipal parks, and further authorizes the State Director of Emergency Management to make additions, amendments, clarifications, exceptions, and exclusions to that list;

WHEREAS, Administrative Order 2020-5 authorizes municipalities to impose additional restrictions in response to COVID-19 on local beaches and boardwalks;

WHEREAS, Executive Order No. 118 amended Executive Order 108 to the extent it allowed counties to impose restrictions on county parks, and required all State Parks and Forests and county parks to be closed to the public for as long as the Order remains in effect;

WHEREAS, Administrative Order 2020-08 amended Executive Order 108 to permit localities "to impose additional restrictions in response to COVID-19 on the ability of hotels, motels, guest houses, or private residences, or parts thereof, to accept new transient guests or seasonal tenants;"

WHEREAS, Administrative Order 2020-08 defined the term "transient guest or seasonal tenant" to exclude: "(i) individuals housed as a part of State-directed non-congregate shelter initiative, (ii) individuals taking temporary residence supported by Federal, State, or local emergency and/or other housing assistance, or (iii) healthcare workers taking temporary residence;"

WHEREAS, Administrative Order 2020-08 identified the County Director of Emergency Management as the designee responsible for determining whether any hotel, motel, guest house, or private residence is permissibly operating by housing individuals who are "transient guests or seasonal tenants;"

WHEREAS, each year the County of Cape May welcomes an immense influx of seasonal visitors, however, the Board of Chosen Freeholders recognizes the challenges those visitors will have on County healthcare facilities, emergency services and to the public safety during this pandemic, as well as the critical need of maintaining social distancing measures and aims to avoid unnecessary increases in density of individuals;

WHEREAS, the Board of Chosen Freeholders has been working closely with its municipalities, local healthcare facilities, the Center for Disease Control and State agencies to monitor, plan for and mitigate the spread of COVID-19 within the County; and

WHEREAS, in consideration of the above, the Board of Chosen Freeholders has determined it in the best interests of the public health and welfare of residents and visitors of Cape May County to take further preventative measures to prevent the spread of COVID-19.

NOW, THEREFORE, in response to the COVID-19 public health emergency and for the protection of the health and welfare of County residents, the Board of Chosen Freeholders hereby declares:

1. The recitals set forth above in the preamble are incorporated herein as if fully set forth verbatim;
2. Pursuant to the Administrative Order 2020-8, and consistent with the exclusions therein, all hotels, motels, guest houses and other transient, seasonal and short-term rental businesses shall be prohibited, following the adoption of this resolution, from lodging any new transient guest or seasonal tenant until such time that the State of New Jersey or Board of Chosen Freeholders, in consultation with the Cape May County Directors of Health and Emergency Management, determine it no longer necessary to prevent the spread of COVID-19 within Cape May County;
3. The phrase "lodge any new transient guest or seasonal tenant" restricts any hotel, motel, guest house or other transient, seasonal or short-term rental business, following the adoption of this resolution,

from giving possession of such premises to a transient guest or seasonal tenant until such time that this resolution is rescinded; it does not restrict those businesses from accepting reservations, signing leases, taking deposits and undertaking any other pre-possession preparations, nor does it require the eviction of any transient guest or seasonal tenant presently lodged in such a location.

4. The Board of Chosen Freeholders are carefully and thoroughly monitoring the spread of COVID-19 and its impact on our communities, County and State and will rescind the restrictions set forth herein as soon as it is determined to no longer be necessary to prevent the spread of COVID-19 in Cape May County, and will provide the impacted businesses with as much advance notice as possible of the date the restrictions will be rescinded;

5. Persons violating this Resolution are subject to prosecution as disorderly persons pursuant to N.J.S.A. A:9-49 and N.J.S.A. A:9-50, and/or any other statute(s) that may be deemed appropriate by law enforcement depending on the circumstances that lead to the charge(s); and

6. The Board of Chosen Freeholders, in consultation with the Cape May County Directors of Health and Emergency Management and consistent with Executive Order 118, recommends and requests all municipalities to close its beaches and boardwalks to the public.

STATEMENT

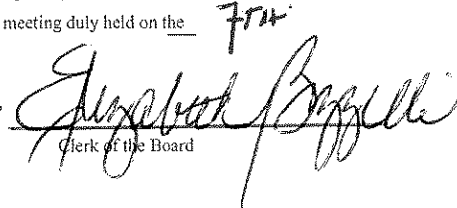
This Resolution prohibits all hotels, motels, guest houses and other transient, seasonal and short-term rental business from lodging any new transient guests or seasonal tenants and requests municipalities to impose additional restrictions on beaches and boardwalks.

- cc: Kevin Thomas, Director of Health
- Martin Pagliughi, Director of Emergency Management
- Jeffrey Sutherland, Cape May County Prosecutor
- Diane Wieland, Director of Tourism
- Jeffrey Lindsay, County Counsel
- Municipal Mayors of Cape May County

STATE OF NEW JERSEY) ss.:
COUNTY OF CAPE MAY)

I, Elizabeth Bozzelli, Clerk of the Board of Chosen Freeholders of the County of Cape May, State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Board at a meeting duly held on the 7th day of April 2020

Signed,


Clerk of the Board

Freeholders	RECORD OF VOTE					
	Ayes	Nayes	Abstain	Absent	Moved	Second
Mr. Desiderio	X				X	
Ms. Hayes	X					
Mr. Morey	X					
Mr. Pierson	X					X
Mr. Thornton	X					

V - Indicates Vote Moved-Resolution Offered Second-Resolution Seconded