

**CITY OF HACKENSACK
CITY MANAGER EMERGENCY ORDER #2020-1**

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

WHEREAS, on March 9, 2020, Governor Phillip D. Murphy issued Executive Order No. 103, which declared a Public Health Emergency and State of Emergency exists in the state of New Jersey due to COVID-19; and,

WHEREAS, Executive Order No. 103 states that “the spread of COVID-19 within New Jersey constitutes an imminent public health hazard that threatens and presently endangers the health, safety, and welfare of the residents of one or more municipalities or counties of the State;” and,

WHEREAS, the State of Emergency declared by Governor Murphy remains in full effect throughout the state of New Jersey, including the City of Hackensack; and,

WHEREAS, pursuant to City Ordinance 23-2020, which was adopted by the Hackensack City Council on April 19, 2020, and is codified in the Hackensack City Code in Section 119-2A, the City Manager has been authorized to issue emergency orders during a state of emergency declared by federal, state or county authorities, and to pronounce that the conduct enumerated in such orders shall constitute an offense against the general peace and good order of the community; and,

WHEREAS, such emergency orders issued by the City Manager shall promote or enhance the general peace and good order of the community, including, but not limited to, protecting the health, safety and welfare of Hackensack residents during the period of emergency; and,

WHEREAS, such emergency orders shall be approved by the City’s Emergency Management Coordinator and thereafter enforced by the Police Department, Fire Department, City Constable and/or any other City official or employee empowered to issue complaints alleging violations of the Chapter 119 of the City Code; and,

WHEREAS, the City Manager has become aware that after the tragic and senseless death of George Floyd while in the custody of the Minneapolis Police Department, citizens of Hackensack and the surrounding area wish to exercise their First Amendment right to assembly in order to express their outrage over this incident, and that

multiple public gatherings are anticipated to take place in Hackensack in the upcoming days; and,

WHEREAS, the City Manager, along with the Mayor and Council, and other City officials, support the right of the people to publicly express themselves regarding a matter of obvious importance; and,

WHEREAS, the City Manager is nonetheless aware that in other communities in the United States where such gatherings have occurred, a small minority of individuals have taken advantage of the situation to engage in illegal activity, resulting in serious and sometimes fatal injuries to members of the public as well as law enforcement, along with substantial destruction of property; and,

WHEREAS, the City Manager is further aware of reports that the failure to maintain control during such gatherings is likely to increase the spread of COVID-19, representing a clear and present danger to the health, safety and welfare of the community; and,

WHEREAS, the City Manager believes it is imperative to establish clear guidelines regarding the enforcement of the City Code during any public assembly that may take place in Hackensack during the State of Emergency.

NOW, THEREFORE, BY THE POWERS VESTED IN ME PURSUANT TO SECTION 119-2A AND OTHER APPLICABLE PROVISIONS OF THE CODE OF THE CITY OF HACKENSACK, AND THE LAWS OF THE STATE OF NEW JERSEY, I DIRECT AS FOLLOWS:

1. Citizens wishing to engage in expressive activity during the period of the State of Emergency are permitted to do so consistent with the United States and New Jersey Constitutions. However, they are strongly encouraged to abide by the recommendations of health authorities when doing so, including, but not limited to, engaging in social distancing wherever possible and wearing of protective masks.
2. The City will continue to enforce all laws and regulations relating to the peace and good order of the community and will not tolerate any illegal activity, particularly with respect to the destruction of public property or any attempt to injure another person. Specifically prohibited are the following:
 - A. Signs are not permitted to be posted on utility or other poles. Additionally, any signs or flags must be held by hand and not affixed to any pole or stick.

- B. The use of sound amplification equipment, including bull horns, is prohibited except where authorized by permit.
- C. The open carrying of any type of weapon is prohibited, including, but not limited to, knives (except for pocket knives), bricks, bats, clubs, chuck sticks, and brass knuckles.
- D. Persons shall not be permitted to climb in trees or up utility poles.
- E. It is prohibited to use City property that is not generally considered open for public expression, including parking lots, police and fire stations, and the interior of City-owned or City-controlled buildings, for expressive activity. The foregoing does not apply to City property generally considered open for public expression, such as public parks, plazas, streets and sidewalks, provided generally applicable City laws, rules and regulations are followed.
- F. In the absence of a permit or proper authorization for the closure of a City street, the free flow of traffic along City streets shall remain unimpeded and all traffic and pedestrian signals shall be followed. Pedestrians not participating in expressive activity shall be given enough space to travel on City sidewalks and may not be maliciously obstructed or detained.
- G. Property shall not be removed from any construction site located anywhere within the City.
- H. City officials shall not be impeded by any person in the course of performing their official duties.

Violations of any of the foregoing may be subject to the penalties established in Chapter 119 of the City Code, any other applicable provision of the City Code, or any applicable state law or regulation.

3. This Emergency Order shall take effect immediately upon written approval of the Emergency Management Coordinator and shall remain in effect for a period of thirty (30) days thereafter, or when the Governor of New Jersey declares the state of New Jersey is no longer in a State of Emergency, whichever is sooner.

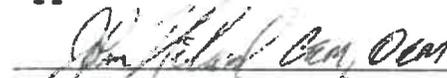
4. The City Clerk is directed to provide a copy of this Emergency Order to the City Council no later than the next City Council meeting after issuance, and as soon as practicable after issuance, shall be posted at City Hall at the location where city public notices are posted, filed in the office of the City Clerk, and published on the City's Internet web site. This Emergency Order shall also be submitted for publication in the City's official newspaper(s) as soon as practicable, although it shall remain effective and enforceable during the period prior to publication.



**Ted Ehrenburg,
City Manager**

Dated: 6/4/2020

Approved:



**Emergency Management
Coordinator**

Attest:



**Steven Kleinman, Esq.
City Attorney**