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EXECUTIVE ORDER EXTENDING THE WEARING OF FACE MASKS WHILE INDOORS WITHIN THE CITY OF NEWARK AND EXTENDING THE TIME THAT THE CITY REQUIRES PROOF OF VACCINATION FOR ENTRANCE INTO CERTAIN INDOOR ESTABLISHMENTS AND FACILITIES EFFECTIVE WEDNESDAY, FEBRUARY 2, 2022.

..Body

WHEREAS, the COVID-19 pandemic, including the exponential spread of its Omicron variant, threatens the health and welfare of residents, workers, and visitors and threatens to overwhelm our hospital capacity; and

WHEREAS, more than 21 months after the World Health Organization declared a pandemic and the Secretary of the U.S. Department of Health and Human Services and I declared a Public Health Emergency due to the COVID19 pandemic, more than 74.9 million persons in the United States have been diagnosed with COVID-19 and more than 886,000 have died from the disease; and

WHEREAS, since March 18, 2020, I signed over thirty-six (36) Executive Orders setting forth restrictions and protocols in our effort to stem the spread of COVID-19, and to provide some economic relief to Newark businesses; and

WHEREAS, although the SARS-Co -2 virus strain, commonly referred to as the Delta variant, has been the more dominant and deadly strain in the United States during most of the pandemic, the Omicron variant has surpassed the Delta variant as it is more contagious and therefore is spreading more rapidly through our communities; and

WHEREAS, the science and medical guidance provided by the Centers for Disease Control ("CDC") and experts in the health field state that people who are fully vaccinated against COVID-19 appear to be protected against the Delta and Omicron variants in that they are less likely to experience serious illness, hospitalization and death; and

WHEREAS, the science and health experts, including our own Director of Health and Community Wellness, have repeatedly warned that people who are not vaccinated are at a greater risk to contract COVID-19 and its variants, and are at greater risk to suffer serious illness, hospitalization and even death from the virus; and

WHEREAS on January 28, 2022, the City of Newark had a three-day COVID19 test positivity rate rolling average of 5.73 percent; and

WHEREAS, in the City of Newark, the virus, particularly the Omicron variant, is spreading rapidly among residents and visitors. Members of our community patronize different

venues such as restaurants, taverns, nightclubs, concert and sporting venues, where large numbers of individuals gather and where it is more likely that someone may be carrying the virus; and

WHEREAS, in order to avoid resorting to the more drastic remedy of closing non-essential businesses or re-imposing capacity limits, we must extend our vaccine requirement at these types of establishments/venues to help preserve the life, health, and safety of our residents, to better control hospital capacity, and to help ensure the much needed continuity of government and business operations,

NOW, THEREFORE, BE IT ORDAINED BY RAS J. BARAKA, MAYOR OF THE CITY OF NEWARK, NEW JERSEY THAT:

- I. Mandatory Proof of Vaccination is required for entry into the following establishments and facilities: Mandatory Vaccination shall mean one or more of the required shots for the particular brand of vaccine used. Booster shots are not included as part of the mandatory vaccination requirement. Proof of vaccination shall include producing the original, copy, photo or scan of the Centers for Disease Control COVID-19 Vaccination Record Card, Government recognized Apps, or any form or document that verifies vaccination.
 1. The City of Newark will extend the requirement of mandatory vaccination for an additional two (2) weeks (February 16, 2022). It should be noted that Executive Order MEO-21-0011 required that the following establishments and facilities could not permit a guest, visitor, or customer over five (5) years of age to enter their indoor premises without displaying proof of vaccination against COVID-19 ("Covered Establishments"):
 - a. Restaurants, bars and nightclub establishments, taverns, breweries, wineries and distillery tasting rooms; mixed-use facilities; food courts coffee shops and fast-food establishments, and any similar establishment that has seating if guests choose to dine in or sit down;
 - b. Indoor entertainment establishments, including nightclubs, hookah and cigar bars, pool and billiard halls, concert, live entertainment and sporting venues, movie theatres, entertainment venues, bowling alleys;
 - c. Indoor exercise and recreational establishments, including exercise facilities, dance, yoga and Pilates studios; any facilities used for group fitness and /or exercise classes;
 - d. Indoor event and meeting establishments, including libraries, hotel common rooms, banquet halls, conference centers meeting facilities, convention centers, auditoriums; shared work facilities;

- e. Indoor spaces in public office buildings where individuals can gather and that are open to the public such as cafeterias, meeting and/or conference rooms, and auditoriums.
2. Covered Establishments shall create their own protocol and process to implement the vaccine mandate set forth in this Executive Order. The Covered Establishments shall use good faith efforts to determine the validity of the documents provided or shown to show proof of vaccination.

II. Establishments Not Subject to Mandatory Vaccination for Entry Requirement.

The establishments listed below are exempt from the Mandatory Vaccination

Requirement

- a. Houses of worship;
- b. Grocery stores, farmers markets, and food sen/ice establishments providing charitable food services;
- c. Pharmacies, medical offices, urgent care centers, or hospitals;
- d. Hardware stores, big box stores and retail establishments where people tend to be in motion and not standing or seated in close proximity to others for long periods of time;
- e. Private meeting or gathering spaces in residences or office buildings;
- f. Facilities relating to governmental regulation;
- g. Facilities providing essential human services such as warming and cooling centers, day service facilities for homeless persons, shelters serving homeless persons or victims of domestic violence;
- h. Polling places during elections;
- i. Such other facilities as exempted by the New Jersey Department of Health;
- j. Tire shops, mechanic shops, and gas stations.

If an exempt facility under this Section conducts a non-exempt activity, the vaccine requirement shall apply. For example, if a house of worship is rented for a non-religious purpose, the mandatory vaccine requirement applies. If a retail bookstore hosts a seated event, proof of vaccination shall be required to enter the area where people will be closely congregated for a prolonged time.

III. Individuals Exempt from Vaccination Entry Requirements.

1. The proof of vaccination for entry requirement does not apply to the following individuals:
- a. Individuals entering a covered establishment for a quick and limited purpose (for example, placing an order for takeout, picking up an order, or making a delivery); or

- b. A person entitled by law to a reasonable accommodation due to a medical condition, which is supported by a document from a doctor or medical provider.
2. Covered Establishments shall create their own protocol and process to comply with the Order. The Covered Establishments shall use good faith efforts to determine the validity of the documents provided or shown to support exemption from vaccination.

IV. Signage Requirement.

Any establishment subject to this Order shall prominently post signage at their entrances notifying the public of the mandatory vaccination entry requirement.

V. Timing.

The City of Newark has extended the time that establishments subject to this Order are required to verify that entrants, aged five (5) years and older, have been vaccinated. It should be noted that this extension shall continue until February 16, 2022.

VI. Continued Indoor Mask Requirement.

1. The City of Newark has extended the time that all City residents and visitors are required to wear a mask at all times while indoors at any public facility in the City of Newark through Friday, March 4, 2022. Children under the age of two (2) years old are not required to wear a mask.
2. Any individual who knowingly violates the mask requirement shall be subject to fines and penalties.

VII. Violations.

1. Any individual who knowingly chooses not to wear a mask while indoors at any public facility in Newark shall be subject to fines and penalties.
2. Any Covered Establishment that refuses to comply with this Executive Order shall be subject to fines and penalties, which can include the suspension or revocation of licenses, permits, certificates, endorsements or any other City authorization.
3. Covered Establishments may deny entry to persons who refuse to wear a mask or refuse to comply with this Order. Covered Establishments can take appropriate employment actions against employees who endanger themselves or others by

violating this Order, or who violate any other requirement issued under the authority of this Executive Order or any other Orders relating to mitigating the spread of COVID19.

This Executive Order shall take effect Wednesday, February 2, 2022 and supersedes all inconsistent Executive Orders. The City will continue to monitor the impact that the change in the COVID-19 positivity rate is having on its residents, and will consider the impact and effectiveness of: (1) the mandatory vaccination requirements after February 16, 2022, and; (2) the indoor mask wearing requirement after March 4, 2022.

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