

EXECUTIVE ORDER NO. 13

WHEREAS, beginning on February 5, 2010, the State of New Jersey was impacted by a severe winter storm that brought record snowfalls, high winds, freezing temperatures, and blizzard-like conditions to many counties in the State; and

WHEREAS, the February 5, 2010 severe winter storm has caused widespread power outages to tens of thousands of homes, nursing homes, and businesses, requiring State and local governments to open shelters and assist in evacuations, as well as leaving roadways impassible and clogged with snow, and causing schools to close for days; and

WHEREAS, the aforementioned conditions have existed since February 5, 2010 and continue to exist in several counties, including the Counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, and Salem; and

WHEREAS, the National Weather Service has issued a Winter Storm Warning for the entire State predicting rain, sleet, snow, and high winds beginning on Tuesday, February 9, 2010 and continuing; and

WHEREAS, this new severe winter storm is expected to produce another ten to eighteen inches of snow in addition to the snow already on the ground as a product of the February 5, 2010 storm, hampering efforts to restore power, remove snow, and return the State to normal operations; and

WHEREAS, the impending severe winter storm will exacerbate existing conditions, including power outages and sheltering operations, and will create additional problems for the State and local governments; and

WHEREAS, the aforesaid conditions constitute an imminent hazard that threatens and presently endangers the health, safety, and resources of the residents of one or more municipalities or counties of this State, and which is in some parts of the State and may become in other parts of the State too large in scope to be handled by the normal local operating services; and

WHEREAS, the Constitution and Statutes of the State of New Jersey, particularly the provisions of N.J.S.A. App.A:9-33 et seq., N.J.S.A. 38A:3-6.1, and N.J.S.A. 38A:2-4 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, in order to protect the health, safety, and welfare of the people of the State of New Jersey do hereby DECLARE and PROCLAIM that a State of Emergency has existed in the aforesaid counties since February 5, 2010, and continues to exist in those counties, and I hereby ORDER AND DIRECT the following:

1. I authorize and empower the State Director of Emergency Management to activate those elements of the State Emergency Operations Plan that he deems necessary to further safeguard the public security, health, and welfare, and to coordinate the recovery effort from this emergency with all governmental agencies, volunteer organizations, and the private sector.

2. I authorize and empower, in accordance with N.J.S.A. App.A:9-33 et seq., the State Director of Emergency Management, who is the Superintendent of State Police, through the police agencies under his control, to determine the control and direction of the flow of such vehicular traffic on any State Highway or municipal or county road, including the right to detour, reroute, or divert any or all traffic and to prevent ingress or egress from any area that, in the State Director's discretion, is deemed necessary for the protection of the health, safety, and welfare of the public, and to remove parked or abandoned vehicles from such roadways as conditions warrant.

3. I authorize and empower the Attorney General, pursuant to the provisions of N.J.S.A. 39:4-213, acting through the Superintendent of State Police, to determine the control and direction of the flow of vehicular traffic on any State, municipal, county, or Interstate highway, and its access roads, including the right to detour, reroute,

or divert any or all traffic, and to prevent ingress or egress from any area to which the declaration of emergency applies, and further authorize all law enforcement officers to enforce any such order of the Superintendent of State Police within their respective municipalities.

4. I authorize and empower the State Director of Emergency Management to order the evacuation of all persons, except for those emergency and governmental personnel whose presence the State Director deems necessary, from any area where their continued presence would present a danger to their health, safety, or welfare because of the conditions created by this emergency.

5. I authorize and empower the State Director of Emergency Management to utilize all facilities owned, rented, operated, and maintained by the State of New Jersey to house and shelter persons who may need to be evacuated from a residence, dwelling, building, structure, or vehicle during the course of this emergency.

6. I authorize and empower the executive head of any agency or instrumentality of the State government with authority to promulgate rules to waive, suspend, or modify any existing rule the enforcement of which would be detrimental to the public welfare during this emergency, notwithstanding the provisions of the Administrative Procedure Act or any law to the contrary for the duration of this Executive Order, subject to my prior approval and in consultation with the State Director of Emergency Management. Any such waiver, modification, or suspension shall be promulgated in accordance with N.J.S.A. App. A:9-45.

7. I authorize and empower the Adjutant General, in accordance with N.J.S.A. 38A:2-4 and N.J.S.A. 38A:3-6.1, to order to active duty such members of the New Jersey National Guard who, in the Adjutant General's judgment, are necessary to provide aid to those localities where there is a threat or danger to the public health, safety, and welfare and to authorize the employment of any supporting vehicles,

equipment, communications, or supplies as may be necessary to support the members so ordered.

8. In accordance with the N.J.S.A. App.A:9-34 and N.J.S.A. App.A:9-51, I reserve the right to utilize and employ all available resources of the State government and of each and every political subdivision of the State, whether of persons, properties, or instrumentalities, and to commandeer and utilize any personal services and any privately owned property necessary to protect against this emergency.

9. This Order shall take effect immediately and shall remain in effect until such time as it is determined by me that an emergency no longer exists.

GIVEN, under my hand and seal this
9th day of February
Two Thousand and Ten, and of
the Independence of the United
States, the Two Hundred and
Thirty Fourth.

/s/ Chris Christie

Governor

Attest:

/s/ Jeffrey S. Chiesa

Chief Counsel to the Governor