

## NJ Governor Phil Murphy Signs Executive Order 153 Permitting Outdoor Swimming Pools, Outdoor Recreation and Entertainment Facilities to Open

On Tuesday, June 9, 2020, Governor Phil Murphy signed Executive Order No. 153 (EO 153) which permits outdoor swimming pools to open effective June 22 and permits additional outdoor recreational facilities to open effective immediately.

### Public and Private Swimming Pools

For weeks, many in New Jersey have been asking the Governor to allow pools to open given reports suggesting a low transmission rate of COVID-19 in an outdoor setting with proper precautions put in place. EO 153 will now allow both public and private swimming facilities, including those in common interest communities, to open their outdoor pools and hot tubs on June 22 at 6:00am subject to compliance with regulations promulgated by the New Jersey Department of Health (DOH).

Public and private pool operators, including common interest communities, should carefully review the DOH regulations with legal counsel in order to ensure compliance.

In summary, the regulations require, at a minimum, that pool operators take the following steps in order to open:

Pool facilities may open in advance of June 22 for the purpose of lifeguard training and swimming lessons consistent with Executive Order No. 107. Further, aquatic recreation facilities (water parks), amusement parks and arcades, indoor recreation areas, playgrounds, and recreational water fountains shall remain closed even if located at outdoor pools, while restaurants and other food provisions located at an outdoor pool shall comply with the requirements of Executive Order 150, which are outlined in our earlier [Client Alert](#).

### Outdoor Recreation and Entertainment Facilities

EO 153 permits recreational businesses, entertainment businesses, and public and private social clubs that were previously closed pursuant to EO 107 to re-open their **outdoor spaces** to the public provided that such businesses adopt the following policies:

Despite the foregoing, any outdoor gathering that involves individuals who are there at a specific time and for a common reason, such as a movie, concert, etc., remain subject to the limitations on outdoor gatherings set forth in Executive Order 152, which are outlined in our earlier [Client Alert](#).

We will continue to monitor developments that impact businesses and common interest communities related to the reopening of facilities in New Jersey. Please contact the authors of this Alert with questions or to discuss your specific circumstances.

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