

SUPREME COURT OF NEW JERSEY

ORDER

Consistent with Executive Order No. 124 issued on March 4, 2001, in which the Acting-Governor declared a statewide State of Emergency because of severe weather conditions;

It is ORDERED nunc pro tunc that on March 5, 2001, the Supreme Court, Superior Court, and Tax Court Clerks' Offices were closed for the transaction of public business; and

It is FURTHER ORDERED that in the computation of time periods under the Rules of Court and under any statute of limitations, the day of which the Court Clerks' Offices were closed (March 5, 2001) shall be deemed the same as a legal holiday.

C.J.

Dated:

EXECUTIVE ORDER

WHEREAS, weather forecasts as of today predict a severe winter storm for the period March 4 to 6, 2001 threatening heavy rain, high winds, possible river and tidal flooding, beach erosion and significant snowfalls in blizzard-like conditions; and,

WHEREAS, the aforesaid weather conditions require advance preparations to adequately protect the health, safety, welfare and property of the people of the State of New Jersey particularly with respect to the possible evacuation of the barrier islands; and,

WHEREAS, the aforesaid weather conditions constitute an imminent hazard which 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 municipal operating services; and,

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of the Laws of 1942, Chapter 251 (N.J.S.A. App. A: 9-33 et seq.) and the Laws of 1979, Chapter 240 (N.J.S.A. 38A:3-6.1) and the Laws of 1963, Chapter 109 (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;

THEREFORE, I, Donald T. DiFrancesco, Acting- 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:

1. Do declare and proclaim that a State of Emergency exists in the State of New Jersey.
2. Empower, in accordance with the Laws of 1942, Chapter 251 (N.J.S.A. A:9-33 et seq.) as supplemented and amended, 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, 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. Authorize, in accordance with the Laws of 1942, Chapter 251 (N.J.S.A. App. A:9-33 et seq.) as supplemented and amended, the Attorney General, pursuant to the provisions of N.J.S.A. 39:4-213, acting through the Superintendent of the Division of State Police, to determine the control and direction of the flow of vehicular traffic on any State 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. I further authorize all law enforcement officers to enforce any such orders of the Superintendent of State Police within their respective municipalities.
4. Authorize 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. 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. Authorize, in accordance with the Laws of 1963 Chapter 109 (N.J.S.A. 38A:2-4) and the Laws of 1979, Chapter 240(N.J.S.A. 38A:3-6.1), the Adjutant General to order to active duty such members of the New Jersey National Guard that, 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.
7. Reserve, in accordance with the Laws of 1942, Chapter 251 (N.J.S.A. App. A:9-34), as supplemented and amended, 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.
8. Authorize the executive head of any agency or instrumentality of the State government with authority to promulgate rules, for the duration of this Executive Order, subject to my prior approval and in consultation with the State Director of Emergency Management, 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. Any such waiver, modification or suspension shall be promulgated in accordance with N.J.S.A. App. A:9-45.

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.

Dated

GIVEN, under my hand and seal this 4th day
of March in the year of Our Lord two thousand
one and the Independence of the United States, the two
hundred and twenty-fourth.

/s/ Donald T. DiFrancesco

Donald T. DiFrancesco, Acting-Governor

Attest: /s/ John J. Farmer Attorney General

