

Frequently Asked Questions — Phase 2 Executive Order No. 141

Governor Roy Cooper issued [Executive Order No. 141](#) on May 20, 2020. Several questions remain regarding Phase 2 operations, and NCRLA is actively working with Governor Cooper’s office for clarification. As we get answers this document will be updated. (Last update on 5/21/20 at 8:00pm)

How are “restaurants” defined in this Executive Order?

“Restaurants” means permitted food establishments, under G.S. 130A-248, and other establishments that both prepare and serve food. This includes, but is not limited to, restaurants, cafeterias, food halls, dining halls, food courts and food kiosks. This includes not only free-standing locations, but also locations within other businesses or facilities, including but not limited to airports, shopping centers, educational institutions, or private or members-only clubs where food and beverages are permitted to be consumed on the premises.

When can I reopen my restaurant dining room?

Friday, May 22nd at 5pm

What level of occupancy can I have in my restaurant’s dining room?

Limit customers in indoor and outdoor seating areas to Emergency Maximum Occupancy.

How do I find out my Emergency Maximum Occupancy?

The Emergency Maximum Occupancy for a restaurant is the LOWEST number produced by applying the following three tests:

1. Limit the number of customers in the restaurant to fifty percent (50%) of stated fire capacity. If you do not have a stated fire capacity, no more than 12 customers for every 1000 square feet of the location’s square footage including the back of the house.
2. Limiting the number of people in the space so that everyone can stay six feet apart.
3. People sitting at a table must not be within six feet of any customers sitting at another table. Moreover, each group of customers sitting at a counter should be separated from other groups by six feet.

What requirements do open restaurants need to follow? All open restaurants must do the following:

- Limit customers in indoor and outdoor seating areas to the Emergency Maximum Occupancy limit;

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- Limit customers at tables so that no more than ten people shall be seated together at the same table. More than ten people may sit together at the same table, however, if they are members of the same household;
- Ensure that customers sitting at a table are not within six feet of any customers sitting at another table , and ensuring that customers at counters are separated by six feet;
- Post the Emergency Maximum Occupancy in a noticeable place;
- Post signs reminding customers and workers about social distancing (staying at least six feet away from others) and requesting that people who have been sick with a fever and/or cough not enter;
- Conduct daily symptom screening of workers, using a standard interview questionnaire of symptoms, before workers enter the workplace;
- Immediately isolate and remove sick workers;
- Perform frequent and routine environmental cleaning and disinfection of high-touch areas with an EPA-approved disinfectant for SARS-CoV-2 (the virus that causes COVID-19);
- Increase disinfection during peak times or high customer density times, and disinfect all shared objects (e.g., dining tables, booths, counters, payment terminals, tables, countertops/bars, receipt trays, condiment holders, and reusable menus) between each use;
- Promote frequent use of hand-washing and hand sanitizer for wait staff and food service staff throughout the shift and upon reporting to work. Hand washing must at least meet the requirements specified in the North Carolina Food Code Manual; and
- Mark six (6) feet of spacing in lines at high-traffic areas for customers, such as a cash register or place where customers wait to be seated at their table.

Are face masks required for employees and customers?

Face coverings for employees and customers are strongly encouraged.

My restaurant has a bar. Is it allowed to open?

Yes. Guidance from the State Health Dept. provides that customers may be served food and beverage at a restaurant bar, but bar seating must comply with 6 ft. separation.

Are gift shops in hotels allowed to open?

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Yes. Gift shops in hotels are allowed to open, subject to the requirements for Retail Businesses, including 50% of fire code occupancy or no more than 12 customers per 1000 sq.ft. (if no fire code occupancy available), plus signage, distancing and sanitation requirements.

Are salons in hotels allowed to open?

Yes. Beauty salons, hair salons and nail salons inside hotels are allowed to open, subject to occupancy limits of 50% of fire code capacity, or no more than 12 customers per 1000 sq. ft. (if no fire code occupancy is available). Distancing must be maintained between customers. Employees must wear face coverings when within 6 ft. of another person.

Are spas in hotels allowed to open?

Yes, with limits. Spa activities described as nail salons, providing manicures & pedicures, and massage therapy are allowed as Personal Care and Grooming Services. The same requirements apply as for salons.

What is the new mass gathering limit?

In Phase 2, gatherings of more than ten people in a single indoor space remain prohibited. In outdoor spaces, gatherings of more than 25 people are prohibited. These mass gathering limits include parades, fairs, festivals, auditoriums, stadiums, arenas, conference rooms, and meeting halls.

The mass gathering limit does not apply to retail businesses, restaurants, personal care and grooming businesses, pools, child care, day camps, and overnight camps. In these settings, there are other restrictions, such as 50 percent reduced occupancy or putting six feet of distance between each group at a restaurant, to ensure that there is not overcrowding.

Are weddings and funerals allowed to be held in Phase 2?

Yes. Even though there is no mass gathering cap on the people who may attend a wedding or funeral ceremony, receptions or visitations before or after weddings and funerals are subject to the mass gathering limit. Individuals are encouraged to follow the [Three Ws](#) to reduce the chance of spreading COVID-19.

Are pools open in Phase 2?

Yes, indoor and outdoor pools may be open if specific public health requirements are followed. Open indoor and outdoor pools must:

- Limit user capacity in the pool to no more than Emergency Maximum Occupancy, which is no more than 50% of occupancy allowed under the Fire Code, or (if unknown) 33 people per 1,000

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sq. ft. in the deck areas, wading pools and splash pools, and maximum occupancy of 10 people per 1000 sq.ft. in the water.

- Post the Emergency Maximum Occupancy in a noticeable place;
- Post signage reminding pool attendees and workers about social distancing (staying at least six feet away from others) and requesting that people who have been sick with a fever and/or cough not enter;
- Conduct daily symptom screening of workers, using a standard interview questionnaire of symptoms, before workers enter the workplace;
 - Immediately isolate and remove sick workers; and
 - Perform frequent and routine environmental cleaning and disinfection of high-touch areas with an EPA-approved disinfectant for SARS-CoV-2 (the virus that causes COVID-19).

Regarding indoor spaces that are public facing, is the mass gathering limit calculated by the entire building or per room?

In public-facing facilities, the mass gathering limit applies per room of the facility.

Are bars allowed to open under Executive Order 141?

No. Bars are not allowed to open at this point.

Bars are considered “entertainment and fitness facilities” which are not yet allowed to open, Entertainment and fitness facilities include, but are not limited to, the following types of business:

- Bingo Parlors, including bingo sites operated by charitable organizations
- Bowling Alleys
- Indoor Exercise Facilities (e.g., yoga studios, dance studios, martial arts facilities, indoor trampoline and rock climbing facilities)
- Gyms
- Indoor Fitness Facilities, including but not limited to indoor basketball courts, volleyball courts, racquetball courts, squash courts, and tennis courts
- Health Clubs and Fitness Centers
- Movie Theaters
- Skating Rinks
- Gaming and business establishments which allow gaming activities (e.g., video poker, gaming, sweepstakes, video games, arcade games, pinball machines or other computer, electronic or mechanical devices played for amusement)
- Venues for Receptions or Parties
- Museums

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- Amusement Parks
- Bars
- Night Clubs, Dance Halls, or Music Halls where patrons are not seated.

However, any retail or dining component within the entertainment and fitness facilities may operate solely for retail or dining, but those components must comply with the restrictions set out in the Executive Order for retail or restaurant operations.

How are bars defined?

Under Executive Order 141, bars are defined as follows:

“Bars” means establishments that are not eating establishments or restaurants as defined in N.C. Gen. Statute 18B- 1000 (2) and 18B – 1000 (6), have a permit to sell alcoholic beverages for on-site consumption under G.S. 18B-1001, and that are principally engaged in the business of selling alcoholic beverages for on-site consumption.

G.S. 18B – 1000 further defines bars as follows:

(4a) Private bar. – An establishment that is organized and operated as a for-profit entity and that is not open to the general public but is open only to the members of the organization and their bona fide guests for the purpose of allowing its members and their guests to socialize and engage in recreation.

(5) Private club. – An establishment that qualifies under Section 501(c) of the Internal Revenue Code, as amended, 26 U.S.C. § 501(c), and that has been in operation for a minimum of 12 months prior to application for an ABC permit.

Both private bars and private clubs may have beer, wine or mixed beverage permits from the ABC Commission.

What about liability protection for my restaurant from customer claims relating to the Covid-19 virus?

A restaurant which operates consistent with the requirements in Executive Order 141 continues to be considered an “Essential Business” for the purposes of Session Law 2020-03, Sec. 4.14 (a), which provides immunity from claims related to the Covid-19 virus, except in the case of gross negligence, reckless misconduct, or intentional infliction of harm.

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Is my hotel ballroom considered an indoor space that is public facing?

Can the bar in my limited-service hotel be open?

Can breweries, wineries, distilleries open if they serve food? If they do not serve food?

What are the limits on my restaurant's outdoor dining?

How many people can I have in events at my hotel ballrooms?

Can I serve food in my hotel ballrooms?

What are the capacity rules around my hotel ballroom?

Can a convention center serve food and host meetings?

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