

**FAQ from NC Restaurant & Lodging Association re Exec. Order 141
May 21, 2020**

The NC DHHS guidance for restaurants indicates that table parties should be limited to 6, but the Executive Order says that no more than 10 people shall be seated together at the same table. The Exec. Order also says that more than 10 people may sit together at the same table if they are members of the same household. We understand the Executive Order is the prevailing document and we understand that NC DHHS will amend its guidance accordingly. Is this correct?

Correct, the NC guidance document will be corrected to reflect the executive order.

What are the limits on my restaurant's capacity to serve customers? The EO limits the number of customers to 50% of stated fire capacity, but typically the fire capacity only relates to indoor areas. Are customers served in outdoor patio area counted as a part of the interior fire code capacity?

The Emergency Maximum Occupancy must be followed. The Emergency Maximum Occupancy is calculated using the following three tests. The most restrictive number must be used.

- **Limit to 50% of stated fire capacity or 12 people per 1,000 square feet if there is not a fire code number available. When no fire code number is available for outdoor dining, the 12 people per 1,000 square feet number should be applied.**
- **Limit the number of people in the space so that groups can stay six (6) feet apart.**
- **Arrange the restaurant so that customers sitting at a table are not within six (6) 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 (6) feet.**

Can I serve food in outdoor areas beyond my restaurant's current footprint if the city allows it? Can I serve food with alcohol beyond my restaurant's current footprint?

The EO does not address expanded outdoor areas. All local zoning, code enforcement, and other applicable rules still apply. Refer alcohol sale questions to local ABC contact

Can I cater a private event indoors or outdoor subject to all requirements in the Executive Order for restaurant dining service?

These events would be considered a mass gathering, so that means a maximum of 10 people inside and 25 people outside unless it is identified as an exempt business in the Executive Order.

Can I host a private dining event in accordance with restaurant guidance in an event space indoors or outdoors, subject to all requirements in the Executive Order for restaurant dining service?

Any private dining events held within restaurant dining rooms would have to meet restaurant dining room requirements.

Can a bar that serves food (even a limited amount) be open, subject to the distancing and all other requirements in the Executive Order?

Restaurants are defined in the Executive Order as a permitted food establishment under NCGS § 130A-248, and other establishments that prepare and serve food. If the bar meets that requirement,

then they are allowed to operate as a restaurant under the Executive Order. If the bar does not prepare and serve food consistent with NCGS §b 130A-248, it must remain closed.

My limited service hotel has a bar. Can the bar be open, subject to distancing and all other requirements in the Executive Order?

If the bar does not prepare and serve food, it must remain closed.

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

Breweries, wineries, and distilleries can remain open, so long as they abide with the restrictions on restaurants found in Executive Order 141..

Can I serve food in my hotel ballrooms, subject to all requirements in the Executive Order for restaurant dining service?

A hotel ballroom is not a dining room. Meetings and indoor gatherings are subject to the 10 people restriction per mass gathering requirements in Executive Order 141.

My hotel has meeting space. Can I have meetings, subject to distancing requirements in the Executive Order. Is there a limit on the number of people?

Meetings and indoor gatherings are subject to the 10 people restriction per mass gathering requirements.

What are the capacity rules around my hotel ballroom?

Meetings and indoor gatherings are subject to the 10 people restriction per mass gathering requirements.

Can a convention center serve food and host meetings?

Meetings and indoor gatherings are subject to the 10 people restriction per mass gathering requirements.