

## President's Update

### Subject: Governor Issues Statewide Curfew: A Summary and List of Detailed Restrictions

Earlier today, Governor Cooper issued [Executive Order 181](#) in response to substantial growth of Covid infection, hospitalization, and death. A summary and details are below.

Though state-wide news on COVID spread is concerning, please take a moment to acknowledge the success we are having in Orange County - where positivity rates are consistently below 5%, hospitalizations are well within UNC Health's capacity, and the infection rate per 100,000 residents is among the five lowest in the state (North Carolina County Alert Map [HERE](#)). Your efforts to slow the spread are making a substantial difference, as Orange County remains one of the safest places in North Carolina. Thank you.

This is a difficult time for local businesses, but you are not alone. Your Chamber is here for you. Justin, Brian, Vanessa, Rebecca, Katie, Jensen, and Katie are here for you. I am here for you. Text us, call us, email us about what you need and what we can do for you. Our job is to help you successfully navigate your way through this Covid crisis and emerge successful on the other side. You are members of The Chamber – you hired us – we work for you – please take advantage of all we have to offer (healthcare, technical assistance, marketing support, referral, issue advocacy, credit card processing, PPE purchasing, export support, workers comp, liability insurance, good conversation with helpful and friendly listeners, and more).

**Modified Stay At Home Order Effective Dates:** Friday, December 11, 5:00pm through January 8, 2021.

#### Order Summary:

- All North Carolinians are asked to stay at home between 10:00pm and 5:00am.
- Most retail, restaurant, personal services, gyms, and other customer-serving businesses must close by 10:00pm (grocery, pharmacy and fuel are not effected).
- Alcohol may not be sold for on-site consumption after 9:00pm.
- No changes to retail, restaurant, or office emergency capacities.
- Does not apply to work activities that take place after 10:00pm (healthcare, construction, manufacturing 3<sup>rd</sup> shift, etc).
- Masks to be worn inside at all times (except if you are the only occupant of a building or are exclusively with your family unit)
- Masks must be worn outside at all times if not able to be distant by more than 6 feet.
- [Governor's Press Release](#), [Executive Order 181](#), [Frequently asked questions](#), [Slides from today's Press Conference](#)

**DETAILED EXCERPTS FROM GOVERNOR'S ORDER 181:** Please read the details below, as they include several new provisions from the Governor's recent Executive Orders.

#### 1.1 Public Health Recommendations

1. Maintain at least six (6) feet social distancing from other individuals, with the exception of family or household members.
2. Wear a Face Covering over the nose and mouth when leaving home and wear it inside all public settings such as grocery stores, pharmacies, or other retail or public-serving businesses. A Face Covering should also be worn outdoors when you cannot maintain at least six (6) feet distancing from other people with the exception of family or household members.
3. Carry hand sanitizer with you when leaving home, and use it frequently.
4. Wash hands using soap and water for at least twenty (20) seconds as frequently as possible.
5. Regularly clean high-touch surfaces such as steering wheels, wallets, and phones.
6. Avoid large gatherings.
7. Stay at home if sick.

#### 2.1 Face Coverings Required In Public Places.

a. The undersigned enacts the following restriction on the movement of people in public places and restriction on the operation of offices, business establishments, schools, and other places where people may travel or congregate.

b. For any place outside the home, including but not limited to businesses, schools, and other establishments and

spaces:

1. Face Coverings must be worn indoors if anyone else is in that space who is not a member of the same household.
2. Face Coverings must be worn outdoors if it is not possible to consistently be physically distant by more than six (6) feet from non-household members.

c. These requirements shall apply to all people at least five (5) years old, unless an exception applies. These requirements are recommended for all people over the age of two (2) years old.

## **2.2. Restrictions for Specific Settings.**

Section 3 of this Executive Order states a series of specific Face Covering requirements for certain types of businesses and establishments. These requirements are in addition to, and not in lieu of, the general restrictions stated above.

## **2.3. Employer Good Faith Obligation to Provide Face Coverings.**

Employers who have workers who perform work outside of their home in North Carolina and have not already provided Face Coverings for their workers shall make good-faith efforts to provide a one week supply of reusable Face Coverings or a new disposable Face Covering daily as soon as possible for workers to use at their place of employment. New Face Coverings should be provided during the work day if the worker's Face Covering becomes soiled, torn, or wet. 10

**2.4. Exceptions.** This Executive Order does not require Face Coverings for-and a Face Covering does not need to be worn by-a worker or Guest who:

- a. Should not wear a Face Covering due to any medical or behavioral condition or disability (including, but not limited to, any person who has trouble breathing, or is unconscious or incapacitated, or is otherwise unable to put on or remove the Face Covering without assistance);
  - b. Is under five (5) years of age;
  - c. Is actively eating or drinking;
  - d. Is seeking to communicate with someone who is hearing-impaired in a way that requires the mouth to be visible;
  - e. Is giving a speech for a broadcast or to an audience;
  - f. Is working at home or is in a personal vehicle;
  - g. Is temporarily removing his or her Face Covering to secure government or medical services or for identification purposes;
  - h. Would be at risk from wearing a Face Covering at work, as determined by local, state, or federal regulations or workplace safety guidelines;
  - i. Has found that his or her Face Covering is impeding visibility to operate equipment or a vehicle; or
  - j. Is a child whose parent, guardian, or responsible person has been unable to place the Face Covering safely on the child's face.
- Anyone who declines to wear a Face Covering for these reasons should not be required to produce documentation or any other proof of a condition.
- Children under two (2) years of age should not wear a Face Covering.

## **2.5. Face Coverings and Exercise.**

People must wear Face Coverings while exercising if they are either:

- Outdoors and within six ( 6) feet of someone who does not reside in the exercising person's household; or
- Indoors and not within their own home. However, people need not wear a Face Covering while exercising if:
  - One of the exceptions stated in Subsection 2.4 applies;
  - They have symptoms while strenuously exercising such as trouble breathing, dizziness, or lightheadedness;
  - They are wearing equipment like a mouthguard or helmet and are having trouble breathing;
  - They are doing any activity in which the Face Covering could become entangled and a choking hazard or impair vision in high risk activities such as gymnastics, cheerleading, or tumbling; or
  - They are doing activities that may cause the Face Covering to become wet, like when swimming or other activities in a pool, lake, water attraction, or similar body of water.

## **2.6. Face Coverings for Professional or Collegiate Athletes Under a COVID-19 Health and Safety Protocol.**

As an exception to the other provisions of this Section, Face Coverings are encouraged, but not required for professional or collegiate athletes if (1) they are strenuously exercising or recovering from exercise and (2) those athletes are training for or participating in a sport that is under the oversight of a league, association, or other organizer that required teams and players to follow a protocol for reducing risk from COVID-19. These athletes must wear Face Coverings, including on sidelines and in practice, at any time that they are not strenuously exercising or

recovering from recent exercise.

## **2.7. How Businesses May Accommodate Exceptions.**

If a Guest states that an exception applies, a business may choose to offer curbside service, provide home delivery, or use some other reasonable measure to deliver its goods or services.

## **2.8. Enforcement of Face Covering Requirements.**

If a person does not wear a Face Covering in a situation where a Face Covering is required under this Executive Order, and if an exception to the Face Covering requirement does not apply:

a. Law enforcement officers may cite the people who failed to wear Face Coverings as required by Executive Order; and/or

b. Law enforcement officers may cite a business or organization that failed to enforce the requirement to wear Face Coverings. Further, if a business or organization does not allow entry to a worker or Guest because that person refuses to wear a Face Covering, and if that worker or Guest enters the premises and refuses to leave the premises, law enforcement personnel may enforce the trespassing laws and any other laws that the worker or Guest may violate.

**2.9. Schools.** In all public school units, as defined by N.C. Gen. Stat. § 115C-5(7a), and all nonpublic schools covered by Article 39 of Chapter 115C of the General Statutes, all workers, teachers, Guests, other adults and children five (5) years or older must wear Face Coverings both: • When outdoors and within six (6) feet of another person, unless an exception applies; • When indoors, at all times, unless an exception applies. Section 3. Restrictions on Certain Businesses and Operations.

**For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:**

### **3.1. Amusement Parks.** [details excluded but can be found in the full order]

### **3.2. Bars, Night Spots, and Arenas.**

a. This Subsection applies to the following: • Bars • Lounges (such as cigar bars and hookah lounges) in which tobacco or related products are consumed on premises • Auditoriums, amphitheaters, arenas, and other venues for live performances • Music halls, night clubs, or dance halls • Adult entertainment facilities • Spectator stands and viewing areas at a sporting facility, stadium, sporting complex, or speedway

b. Must be Seated: A facility covered by this Subsection is closed unless it is or becomes a seated establishment for Guests.

c. Indoor Restrictions.

1. Bars.

- Bars' indoor seating areas and indoor amenities (such as pool and billiards tables) must be closed.
- Bars must not serve alcoholic beverages for on-site consumption in any indoor area on their premises.

2. Non-Bar Night Spots and Arenas. o Indoor seating areas at all other facilities covered by this Subsection may be open, but are restricted to 25 Guests per facility.

- All facilities covered by this Subsection must not serve alcoholic beverages for on-site consumption in any indoor area on their premises.

d. Outdoor Restrictions. Bars, Night Spots, and Arenas.

-Outdoor seating areas may be open at Bars and all other facilities covered by this Subsection. Guests in outdoor areas must be limited to the lesser of: • 100 people for the total seating area ( or, if there are multiple fields of play or stages, per field of play or per stage); or • Thirty percent (30%) of the facility's stated outdoor occupancy before reductions under this Executive Order ( or, for spaces 13 without a stated outdoor occupancy, no more than seven (7) Guests for every one thousand ( 1000) square feet of the outdoor area's square footage).

- A facility covered by this Subsection may serve alcoholic beverages for on-site consumption in outdoor seating areas on its premises, subject to applicable local and state regulations.

e. Interpretation of Capacity Restrictions in this Subsection.

1. Workers, entertainers, athletes, and any other support staff do not count toward the capacity limits stated in

Subsections 3.2(c) and 3.2(d) immediately above.

2. Any facility that meets the definition of "Restaurant" in this Executive Order is covered by Subsection 3.13 of this Executive Order and not this Subsection.

3. A facility is excepted from the limits stated in this Subsection if it is a Very Large Outdoor Facility covered by Section 6 of this Executive Order.

4. Outdoor amenities may be open at Bars and other facilities covered by this Subsection.

5. Nothing in this Executive Order prevents establishments from opening up or expanding outdoor seating areas, subject to applicable local and state regulations.

f. Social Distancing Requirements.

1. Space Out Guests. Each group of Guests must be seated so that they are spaced out by six (6) feet in all directions from other groups of Guests. Each group of Guests sitting at a counter should be separated from other groups by six (6) feet. Entertainers also must stay at least six (6) feet away from any Guest.

2. Ordering Area. Bars not using waitstaff must designate an ordering area at the bar. This area must allow each Guest to wait six (6) feet apart from other Guests. If necessary, Guests may place their orders by coming inside the Bar's building; however, Guests must consume their beverages in outdoor seating areas only.

g. Face Coverings. All workers and Guests must wear Face Coverings when they are or may be within the facility.

h. Other Requirements. Facilities covered by this Subsection must:

1. Restrict late night service of alcoholic beverages as stated in Subsection 4.1 of this Executive Order.

2. Follow the restrictions set out in Subsections 3.13 and 3.17 of this Executive Order for any food or beverage service.

3. Mark six (6) feet of spacing in lines at high-traffic areas for Guests.

4. 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.

5. Provide alcohol-based hand sanitizer (with at least 60% alcohol) at the entrance and at other areas throughout the premises as needed. Promote frequent use of handwashing and hand sanitizer for workers and Guests.

6. Increase disinfection during peak times or high Guest density times, and disinfect all shared objects (e.g., payment terminals, tables, countertops/bars, receipt trays, and reusable menus) between use.

7. Follow all applicable requirements in NCDHHS guidelines.

8. Follow the Core Signage, Screening and Sanitation Requirements as defined in this Executive Order.

i. Miscellaneous Provisions on Bars.

1. Clarifications. People sitting at a table need not be members of the same household and do not need to stay six (6) feet apart. Moreover, this Executive Order does not require waitstaff to stay six (6) feet away from Guests.

2. Off-Site Consumption. This Executive Order does not direct the closure of retail beverage venues that provide for the sale of beer, wine, and liquor for offsite consumption only. It also does not require the closure of production operations at breweries, wineries, or distilleries.

### **3.3. Child Care Facilities.**

a. Face Coverings. Child care facilities must have workers, all other adults, and children five (5) years or older on site wear Face Coverings, unless an exception applies.

b. Child Care Facilities May Open and May Serve All Children. Child care facilities may open or reopen, and they may serve all children in North Carolina. All references to "covered children" in Executive Order Nos. 130 and 138 shall refer to all children.

c. Requirements. Child care facilities that are open or reopened consistent with the Executive Order must abide by the following requirements:

1. Follow all applicable NCDHHS guidelines.

2. Follow the Core Signage, Screening, and Sanitation Requirements as defined in this Executive Order.
3. Conduct a daily health screening on all individuals who are entering the building.
4. Immediately isolate sick workers and children from the rest of the facility and send them home.
5. Have a plan to work with local health departments to identify close contacts of confirmed cases in the child care setting.

d. Before reopening, child care facilities shall submit to NCDHHS the Emergency Child Care Provider Application. NCDHHS must approve the Emergency Child Care Provider Application before the child care facility can reopen.

e. Relationship to Other Executive Orders. Subdivisions 3.3(b) and (c)(I) above completely replace Subsections 2(C) and 2(D) of Executive Order No. 130. Subsections 2(A)-2(B) and 2(E)-(H) of Executive Order No. 130 and Section 3 of Executive Order No. 139 shall continue in effect as specified in Executive Order No. 152, Executive Order No. 177, and any subsequent executive orders.

### **3.4. Children's Day or Overnight Camps.**

a. Children's day camps and overnight camps must have workers, all other adults, and children five (5) years or older on site wear Face Coverings, unless an exception applies.

b. To the extent, if any, that day camps and overnight camps continue to operate during the effective period of this Executive Order, the requirements of Executive Order No. 141 (as amended) which are applicable to Day Camps and Overnight Camps in that Order shall continue to apply to those camps.

### **3.5. Fitness and Physical Activity Facilities.**

a. This Subsection applies to "Fitness and Physical Activity Facilities," defined as any of the following: • Exercise facilities ( e.g., yoga studios, dance studios, ballrooms for dancing, martial arts facilities, gymnastics, indoor trampoline and rock climbing facilities) • Gyms • Fields of play, including but not limited to basketball courts, baseball fields, volleyball courts, racquetball courts, squash courts, hockey rinks, soccer fields, and tennis courts (with spectators, if any, limited as stated in Subsection 3.2 of this Executive Order) • Health clubs and fitness centers • Boxing clubs • Skating rinks • Bowling alleys • Golf courses and driving ranges • Golf ball hitting bays • Mini-golf courses • Go-cart tracks • The track for any speedway or raceway (with spectators, if any, limited as stated in Subsection 3.2 of this Executive Order) • Paintball, laser tag, and similar fields and arenas • Indoor Playgrounds

b. Face Coverings. All workers and Guests must wear Face Coverings when they are inside the establishment, regardless of whether they are exercising. The exceptions in Sections 2.4 and 2.5 of this Executive Order apply.

c. Capacity Restrictions.

1. Indoor Areas. Fitness and Physical Activity Facilities must limit Guests in indoor areas to the lowest number produced by applying the following two tests: a. Overall. Limit the number of Guests in the facility to thirty percent (30%) of stated fire capacity (or, for spaces without a stated fire capacity, no more than seven (7) Guests for every one thousand (1000) square feet of the location's total square footage, including the parts of the location that are not accessible to Guests). b. In Any Room. Limit the number of Guests in any given room of the facility so that everyone can stay six ( 6) feet apart.

2. Outdoor Areas. Fitness and Physical Activity Facilities must limit Guests in outdoor areas to twelve ( 12) Guests for every one thousand ( 1 000) square feet.

3. Games or Events With Spectators. The capacity restrictions for facilities in Subsection 3.2 above, not the capacity restrictions in Subsections 3.5(c)(I)-(2) above, apply to Fitness and Physical Activity Facilities whenever they host a game with spectators.

4. A Fitness and Physical Activity Facility is excepted from the limits stated in this section if it is a Very Large Outdoor Facility covered by Section 6 of this Executive Order.

d. Social Distancing Measures.

1. Spread Out Guests and Equipment. Operators of Fitness and Physical Activity Facilities must: a. For activities involving Guests spread out among fixed equipment or lanes, tape off or move the equipment, or restrict access to lanes, so that the Guests conducting the exercise activity are at least six ( 6) feet apart. b. For group classes or group activities, ensure that all Guests are spaced at least six (6) feet apart. Instructors may come within six (6) feet of

students for brief periods of time (less than 15 minutes).

2. Seating in Waiting Areas. For Guests waiting to take their turn in the activity, operators must space out any seating so that Guests can be socially distanced and stay six (6) feet apart from each other.

e. Other Requirements. Operators of Fitness and Physical Activity Facilities must:

1. Promote frequent use of hand washing and hand sanitizer for workers and Guests. Require workers to wash hands immediately upon reporting to work after contact with Guests, after performing cleaning and disinfecting activities, and frequently throughout the day.

2. Disinfect all shared equipment between users with an EPA-approved disinfectant for SARS-Co V-2 (the virus that causes COVID-19).

Allow the disinfectant to sit for the adequate amount of time stated by the manufacturer. If Guests are to clean equipment, the establishment must provide instructions on how to properly disinfect equipment and on the adequate amount of time that the disinfectant must sit to be effective.

3. Increase disinfection during peak times or high-population-density times.

4. Mark six (6) feet of spacing in lines at point of sale and in other high-traffic areas for Guests.

5. Post the Emergency Maximum Occupancy of any room or other enclosed space at the door to that space.

6. Follow the restrictions set out in Sections 3.13, 3.17, and 4.1 of this Executive Order for any food and beverage service.

7. Follow the Core Signage, Screening and Sanitation Requirements as defined in this Executive Order.

**3.6. Government Operations.** Unless an exception applies, state government agencies headed by members of the Governor's Cabinet and the Governor's Office must have their on-site workers wear Face Coverings when they are indoors. In addition, unless an exception applies, these agencies must require Face Coverings for any outdoor work within six (6) feet of another person. State government agencies headed by members of the Governor's Cabinet and the Governor's Office must also follow the requirements for Retail Businesses established in this Executive Order unless necessary to complete that office's mission. All other state and local government agencies are strongly encouraged to adopt similar policies.

### **3.7. Health Care Settings.**

a. Surgical Masks in Long Term Care Facilities. All workers in Long Term Care ("LTC") Facilities, including skilled nursing facilities ("SNF"), adult care homes ("ACH"), family care homes ("FCH"), mental health group homes, and intermediate care facilities for individuals with intellectual disabilities ("ICF-IID"), must wear Face Coverings while in the facility, and those Face Coverings must be Surgical Masks, as long as Surgical Mask supplies are available.

b. Other Health Care Settings. Health care facilities other than L TC facilities must follow the Face Covering requirements in the CDC Infection Control Guidance for Healthcare Professionals about Coronavirus (COVID-19).

c. Other Requirements. Additional requirements in health care settings can be found in Executive Order Nos. 130 and 139 and in the Secretarial Orders issued under Executive Order Nos. 152, 165, and 177.

### **3.8. Movie Theaters, Meeting Spaces, and Entertainment Facilities.**

a. This Subsection applies to meeting spaces, meeting or reception venues, and any entertainment facilities that are not covered by another provision of this Section of this Executive Order, such as Subsection 3.2 (entitled "Bars, Night Spots, and Arenas") or Subsection 3.5 (entitled "Fitness and Physical Activity Facilities"). Facilities covered by this Subsection include, but are not limited to, the following types of businesses: • Movie theaters • Private rooms or other private meeting spaces in a hotel, conference center, meeting hall, or reception venue • Bingo parlors, including bingo sites operated by charitable organizations • Facilities where the purpose is to engage in games of cards, such as bridge • Gaming and business establishments which allow gaming activities ( e.g., video games, arcade games, pinball machines or other computer, electronic or mechanical devices played for amusement) 17

b. Social Distancing Requirements. The following measures limit the degree to which Guests at the facility may come

into contact with one another and spread COVID-19. 1. Must be Seated to Be Open. A facility covered by this Subsection is closed unless it is or becomes a seated establishment for Guests. Guests must be in seats except to enter, leave, visit the restroom, and obtain food or drink. Facilities should avoid scheduling a standing reception, cocktail hour, or similar event where Guests are encouraged to mingle. 2. Space Out Guests. Each group of Guests must be seated so that they are spaced out by six (6) feet in all directions from other groups of Guests. Each group of Guests sitting at a counter should be separated from other groups by six (6) feet.

c. Face Coverings. All workers and Guests must wear Face Coverings when they are or may be within the facility.

d. Capacity. Facilities covered by this Subsection must limit Guests in the total facility (whether indoor or outdoor) to the lesser of: • 100 people; or • Thirty percent (30%) of stated fire capacity ( or, for facilities without a stated fire capacity, no more than seven (7) Guests for every one thousand ( 1000) square feet of the Guest area's square footage). Workers and support staff do not count toward these capacity limits. For hotels or other facilities where private meeting spaces are a portion of a larger facility that is not restricted by this Section of this Executive Order, the limits stated above are measured only for the portion of the facility that is a private meeting space.

e. Other Requirements. Facilities covered by this Subsection must: 1. Restrict late night service of alcoholic beverages as stated in Subsection 4.1 of this Executive Order. 2. Follow the restrictions set out in Subsections 3.13 and 3.17 of this Executive Order for any food or beverage service. 3. Mark six (6) feet of spacing in lines at point of sale and in other high-traffic areas for Guests. 4. Provide alcohol-based hand sanitizer (with at least 60% alcohol) at the entrance and at other areas throughout the premises as needed. Promote frequent use of handwashing and hand sanitizer for workers and Guests. 5. Increase disinfection during peak times or high Guest density times, and disinfect all shared objects ( e.g., payment terminals, tables, countertops/bars, receipt trays, condiment holders) between use. 6. Follow the Core Signage, Screening and Sanitation Requirements as defined in this Executive Order.

f. Gaming. This Executive Order does not order the closure of gaming establishments. However, nothing in this Executive Order shall be construed to authorize any gaming activity prohibited by Chapter 14 of the North Carolina General Statutes.

### **3.9. Museums and Aquariums.**

a. Face Coverings. Unless an exception applies: • Workers in museums and aquariums must wear Face Coverings when they are inside. • Workers in museums and aquariums must also wear Face Coverings if they are outside and within six (6) feet of another person • In addition, Guests must wear Face Coverings.

b. Museums and aquariums may open. All operators of open museums or aquariums must meet the following requirements

1. Limit the number of Guests in the museum or aquarium to fifty percent (50%) of stated fire capacity ( or, for spaces without a stated fire capacity, no more than twelve (12) Guests for every one thousand (1000) square feet of the location's total square footage, including the parts of the location that are not accessible to Guests) and ensure Guests are able to social distance and remain six (6) feet away from groups other than those in their households.

2. Limit Guests in each room within a museum or aquarium such that they do not exceed twenty-five (25) individuals. Restaurants located within museums and aquariums are subject to the Emergency Maximum Occupancy and other requirements on restaurants in Section 3 of this Executive Order.

3. Post signage reminding Guests and workers about social distancing ( staying at least six (6) feet away from others) and requesting that people who have been symptomatic with fever and/or cough not enter.

4. Conduct daily symptom screening of workers, using a standard interview questionnaire of symptoms, before workers enter the workplace.

5. Immediately isolate and remove sick workers.

6. Perform frequent and routine environmental cleaning and disinfection of high-touch areas with an EPA-approved disinfectant for SARS-Co V-2 (the virus that causes COVID-19).

### **3.10. Parks.**

a. Face Coverings. Unless an exception applies, Face Coverings are required for all people in parks if they are either within six ( 6) feet of another person or are indoors.

b. Capacity Limits. Parks must restrict each group of Guests to be no more than the Mass Gathering limit stated below in Subsection 5 .1 of this Executive Order. Each group of people within an outdoor park, trail, or beach must be limited so that the group, counted on its own, does not exceed the Mass Gathering limit.

c. Requirements for Park Operators. All operators of open public or private parks must meet the following requirements:

1. Post signage reminding Guests and workers about social distancing (staying at least six ( 6) feet away from others) and requesting that people who have been symptomatic with fever and/or cough not enter.

2. Conduct daily symptom screening of workers, using a standard interview questionnaire of symptoms, before workers enter the workplace.

3. Immediately isolate and remove sick workers.

4. Perform frequent and routine environmental cleaning and disinfection of high-touch areas with an EPA-approved disinfectant for SARS-Co V-2 (the virus that causes COVID-19).

### **3.11. Personal Care, Grooming, and Tattoo Businesses.**

a. Face Coverings. Unless an exception applies: • Personal Care, Grooming, and Tattoo Businesses must have workers wear Face Coverings at all times. • In addition, the business must have all Guests wear Face Coverings when they are inside the establishment, unless they are receiving a facial treatment, shave, or other services on a part of the head which the Face Covering covers or by which the Face Covering is secured.

b. Personal Care, Grooming, and Tattoo Businesses May Open. During the effective period of this Executive Order, Personal Care, Grooming, and Tattoo Businesses may operate, but must be in compliance with this Section.

c. Requirements. While this Executive Order is in effect, all open Personal Care, Grooming, and Tattoo Businesses must do all of the following:

1. Limit Guests inside the store to Emergency Maximum Occupancy. Under this Executive Order, the Emergency Maximum Occupancy for a Personal Care, Grooming, and Tattoo Business is the lowest number produced by applying the following two tests: 1. Limit the number of Guests in the store to fifty percent (50%) of stated fire capacity (or, for spaces without a stated fire capacity, no more than twelve (12) Guests for every one thousand (1000) square feet of the location's total square footage, including the parts of the location that are not accessible to Guests). 2. Limit the number of Guests in the store so that Guests can stay six (6) feet apart.

2. Arrange seating so that groups of Guests are separated from one another by six (6) feet.

3. Follow the Core Signage, Screening, and Sanitation Requirements as defined in this Executive Order, except for the requirement to have signage remind people about staying six ( 6) feet apart.

4. Ensure that all equipment that comes into direct personal contact with Guests and all furniture in service areas (such as chairs, capes, and the shampooing area in a barber shop or salon) is completely cleaned and disinfected between each Guest.

5. Mark six (6) feet of spacing in lines at point of sale and in other high-traffic areas for Guests, such as at cash registers and waiting areas. (E.O. 169, s. 3.11, incorporating E.O. 163, s. 3.2(c) and 6.4; E.O. 180, s. I(E).) 3.12. Pools.

a. Indoor and Outdoor Pools May Open. During the effective period of this Executive Order, indoor or outdoor pool facilities (whether stand-alone or part of other facilities) may operate, but must be in compliance with this Subsection.

b. Requirements. While this Executive Order is in effect, all open pool facilities must do all of the following:

1. Limit the number of Guests in the pool to no more than 50% of maximum occupancy as determined by fire code (or, when fire code number is not known, thirty-three (33) Guests per one thousand ( 1000) square feet in deck areas, wading pools and splash pads), and a maximum occupancy in the water of ten (10) Guests per one thousand (1000)



square feet. This Guest capacity is the Emergency Maximum Occupancy for the pool facility.

2. Follow the Core Signage, Screening, and Sanitation Requirements as defined in this Executive Order.

c. Establishments that are not Amusement Parks and offer waterslides over fifteen (15) feet in height must abide, for each waterslide, by the occupancy restrictions for pools stated in this Section.

d. This Subsection applies only to shared pools in commercial settings or at residential complexes. It does not apply to family pools at people's homes.

### **3.13. Restaurants.**

a. Face Coverings. Unless an exception applies: • Restaurants must have all workers wear Face Coverings. • In addition, these establishments must have all Guests wear Face Coverings (including at their table) when they are not actively drinking or eating.

b. Restaurants May Open for On-Premises Service. During the effective period of this Executive Order, restaurants may allow on-premises consumption of food and beverages. Restaurants must meet the sanitation requirements of this Section even if they are open only for take-out or delivery service.

c. Requirements. While this Executive Order is in effect, all open restaurants must do all of the following:

1. Limit Guests in indoor and outdoor seating areas to Emergency Maximum Occupancy. Under this Executive Order, the Emergency Maximum Occupancy for a restaurant is the lowest number produced by applying the following three tests: a. Limit the number of Guests in the restaurant to fifty percent (50%) of stated fire capacity (or, for spaces without a stated fire capacity, no more than twelve (12) Guests for every one thousand (1000) square feet of the location's total square footage, including the parts of the location that are not accessible to Guests). b. Limit the number of Guests in the space so that groups can stay six (6) feet apart. c. Arrange the restaurant so that Guests sitting at a table are not within six (6) feet of any Guests sitting at another table. Moreover, each group of Guests sitting at a counter should be separated from other groups by six (6) feet.

2. Limit Guests at tables so that no more than ten (10) people shall be seated together at the same table. However, more than ten (10) people may sit together at the same table if they are members of the same household.

3. Follow the Core Signage, Screening, and Sanitation Requirements as defined in this Executive Order, along with the following additional requirements:

4. Increase disinfection during peak times or high Guest 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.

5. 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.

6. Mark six (6) feet of spacing in lines at high-traffic areas for Guests, such as a cash register or place where Guests wait to be seated at their table.

d. Clarifications. People sitting at a table need not be members of the same household and do not need to stay six (6) feet apart. Moreover, this Executive Order does not require servers and wait staff to stay six (6) feet away from Guests.

e. Miscellaneous. A restaurant that operates consistent with the terms of this Subsection of this Executive Order shall continue to be considered an "Essential Business" for the purpose of N.C. Sess. L. 2020-03, Sec. 4.14(a) to the extent that COVID-19-related claims are made against the restaurant.

f. Breweries, wineries, and distilleries are subject to the same restrictions as Restaurants under this Executive Order.

g. Any meeting or function held in a private room in a Restaurant is covered by the capacity and other restrictions stated above in Subsection 3.8 of this Executive Order ("Movie Theaters, Meeting Spaces, and Entertainment Facilities").

### **3.14. Retail Businesses.**

a. Face Coverings. Unless an exception applies: • Retail Businesses must have all workers wear Face Coverings. • In addition, Retail Businesses must have all Guests wear Face Coverings when they are inside the establishment.

b. Requirements for Retail Businesses. While this Executive Order is in effect, all open Retail Businesses must do all of the following.

1. Limit Guests inside the store to Emergency Maximum Occupancy. Under this Executive Order, the Emergency Maximum Occupancy for a Retail Business is the lowest number produced by applying the following two tests: a. Limit the number of Guests in the store to fifty percent (50%) of stated fire capacity (or, for spaces without a stated fire capacity, no more than twelve (12) Guests for every one thousand (1000) square feet of the location's total square footage, including the parts of the location that are not accessible to Guests). b. Limit the number of Guests in the store so that everyone can stay six (6) feet apart.

2. Mark six (6) feet of spacing in lines at point of sale and in other high-traffic areas for Guests, such as at deli counters and near high-demand products.

3. Follow the Core Signage, Screening, and Sanitation Requirements as defined in this Executive Order.

4. Any Retail Business location with more than 15,000 square feet of interior space must, at each entrance open to the public, have a worker who is responsible for the Face Covering and Emergency Maximum Occupancy requirements established by Executive Orders. These workers may have other duties, but they must be close enough to the entrance that they can identify customers who enter without wearing Face Coverings and ensure that Guests wait outside if needed so that the Retail Business does not exceed Emergency Maximum Occupancy requirements.

### **3.15. Transportation.**

All workers and riders on public or private transportation regulated by the State of North Carolina, as well as all people in North Carolina airports, bus and train stations or stops, must wear Face Coverings at all times, unless an exception applies. This provision does not apply to people traveling alone with household members or friends in their personal vehicles, but does apply to ride-shares, cabs, vans, and shuttles, even if the vehicles are privately owned. Guests may be removed from or denied entry to public transportation if they refuse to wear a Face Covering. (E.O. 169, s. 3.15, incorporating E.O. 163, s. 3.2(f); E.O. 180, s. I(E).) 22

### **3.16. Workplaces in Agriculture, Construction, and Manufacturing.**

Social distancing is inherently difficult where multiple workers are together in manufacturing settings, at construction sites, and in migrant farm, other farm, and agricultural settings. Therefore, in businesses or operations within North American Industry Classification System ("NAICS") sectors 311 to 339 (manufacturing), 236 to 238 (construction), and 111, 112, 1151, and 1152 (agriculture), all workers not requiring a respiratory protection program must wear Face Coverings when they are either within six (6) feet of another person or indoors. Notwithstanding the above, workers may remove their Face Covering if an exception applies, if they become overheated, or if they eat and drink while working. 3.17. Closure No Later than 10:00 PM.

a. Types of businesses and organizations within the categories listed above in this Section 3 must close their premises to the public no later than 10:00 PM and may not reopen their premises to the public before 5:00 AM (the "Night-Time Public Closure Period") on the following morning, except for the facilities within Subsection 3.3 (child care facilities), Subsection 3.4 (children's overnight camps), Subsection 3.6 (government operations), Subsection 3.7 (health care settings), Subsection 3.15 (transportation), and Subsection 3.16 (workplaces in agriculture, construction, and manufacturing). If an establishment is not within the scope of one of the categories listed above in this Section 3, it may remain open to the public during the Night-Time Public Closure Period.

b. Businesses and organizations may continue to keep their premises open for employees and other workers during the Night Time Public Closure Period, and may otherwise conduct their business and operations, as long as no Guests are admitted onto the premises.

c. This Subsection 3.17 does not apply to Retail Businesses that sell groceries, medication, fuel, or health care supplies.

d. All restaurants, breweries, distilleries, and wineries must stop taking new orders at a time that allows them to close

their on-premises dining rooms at 10:00 PM and no longer have Guests eating on-premises. During the Night-Time Public Closure Period, these establishments may do business only to the extent that consumption of food and beverages occurs off-premises through such means as in-house delivery, third-party delivery, drive-through, curbside pick-up, and carry-out. These restrictions also apply to cafeterias or other dining areas in businesses that are open.

e. This Subsection does not authorize any establishment to serve alcoholic beverages beyond the times listed in Subsection 4.1 of this Executive Order or on days and times prohibited under generally applicable law.

f. This Subsection does not prohibit camping during the Night-Time Public Closure Period. This Subsection also does not prohibit organizations from providing services to people experiencing homelessness, or people whose residences are unsafe or become unsafe.

**Section 4. Overnight Restrictions.** For the reasons and pursuant to the authority set forth above, the undersigned orders as follows.

**4.1. Restrictions on Late Night Service of Alcoholic Beverages.**

a. Any businesses or organizations that sell or serve alcoholic beverages for onsite consumption shall cease the sale and service of alcoholic beverages for onsite consumption between 9:00 pm and 7:00 am. The agents or employees of establishments that are permitted to sell or serve alcoholic beverages for onsite consumption shall likewise not sell or serve alcoholic beverages for onsite consumption between 9:00 pm and 7:00 am. 23

b. Any businesses or organizations that sell or serve alcoholic beverages for onsite consumption shall cease the sale and service of alcoholic beverages for onsite consumption between 9:00 pm and 7:00 am. The agents or employees of establishments that are permitted to sell or serve alcoholic beverages for onsite consumption shall likewise not sell or serve alcoholic beverages for onsite consumption between 9:00 pm and 7:00 am.

c. Businesses or organizations may not provide off-site table service, catering service or bartending service for the sale and consumption of alcoholic beverages between 9:00 pm and 7:00 am for the purposes of consumption at the premises where the alcoholic beverage is being served.

d. Nothing in this Executive Order shall be interpreted to change the laws regarding the hours of sales for alcoholic beverages for off-premises consumption or authorize sale, service, possession, transportation, or consumption of alcoholic beverages at times or places where not previously allowed before this Executive Order was issued. This Subsection 4.1 also does not provide authority to reopen any facilities (or areas of facilities) that are closed by another provision of this Executive Order.

**4.2. Events Must End by 10:00 PM.**

a. Events or convenings outside the home must end or pause no later than 10:00 PM. At or before that time, Guests must leave and travel home or to the place where they will stay for the night. b. Live entertainment performances, entertainment events such as movie screenings, and youth and amateur sporting events must cease no later than 10:00 or be paused at that time. Professional and collegiate sporting events may continue past 10:00.

**4.3. Travel Restrictions; Stay At Home Overnight.**

In light of the unprecedented and urgent threat to the lives of North Carolinians that is evidenced by the current spike in COVID-19 infection rates, the undersigned imposes the following curfew and restriction upon movement of persons within the emergency area, which is the entire State of North Carolina.

a. Between 10:00 PM and 5 :00 AM, all individuals in North Carolina must stay at home or at the place they will stay for the night, except for:

1. Travel to or from a place of work when a worker's presence is required by the worker's employer;
2. Travel for work purposes;
3. Performing work at the workplace or other location directed by the employer when the worker's presence is required by the worker's employer;
4. Travel to obtain groceries, take-out food, medical care, fuel, health care supplies, or social services;
5. Travel from a business that closed at or after 10:00 PM;
6. Travel to a business that will open at or after 5:00 AM;
7. Travel to take care of a family member, friend, or pet in another household;

8. Travel necessary for purposes of personal safety;
9. Travel into or out of the State;
10. Travel required by law enforcement or court order; and
11. Using or providing shared transportation (including without limitation taxicabs, ride shares, buses, trains, airplanes, and travel to airports, train stations, or bus stations).

b. Law enforcement personnel are directed to enforce this Subsection 4.3 of the Executive Order against individuals only in cases of willful or repeated violations.

c. In addition to the exceptions stated above, this Subsection 4.3 does not apply to: • Travel to, or attending, a religious service or other activity exempted under Subsection 1.2 of this Executive Order; • Collegiate and professional sporting events; • The media; • Law enforcement, fire, paramedics, and all other first responders and emergency responders; and • The United States government, State government, and local governments.

d. Individuals experiencing homelessness are exempt from this Executive Order, but are strongly urged to obtain shelter, and governmental and other entities are strongly urged to make such shelter available as soon as possible and to the maximum extent practicable. People in unsafe living situations, including victims of domestic violence, are exempt from the travel restrictions of this Order and are urged to leave home and find a safe place to stay.

## **Section 5. Mass Gatherings.**

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

### **5.1. Prohibition. Mass Gatherings are prohibited.**

"Mass Gathering" means an event or convening which brings together more than ten (10) people indoors or more than fifty (50) people outdoors at the same time in a single confined indoor or outdoor space. This includes parades, fairs, or festivals. In publicly accessible indoor facilities, the Mass Gathering limit applies per room of the facility. When more than ten (10) people reside in the same household, residing together does not form a Mass Gathering. At a park, beach, or trail, the outdoor Mass Gathering limit of fifty (50) people applies to each group of people that may gather together.

### **5.2. Exceptions from Prohibition on Mass Gatherings.**

Notwithstanding the Mass Gathering limit above:

a. The prohibition on Mass Gatherings does not apply to any of the restricted businesses and operations identified in Section 3 of this Executive Order, except as specifically stated above, because in those situations, transmission of COVID-19 will be controlled through the measures specifically tailored for each situation that are listed in those Sections. The prohibition on Mass Gatherings and the capacity limits in Section 3 generally do not apply to educational institutions or government operations. The capacity limits in Sections 3.2 and 6, of this Executive Order, however, apply to educational institutions and government operations.

b. The prohibition on Mass Gatherings does not include gatherings for health and safety, to look for and obtain goods and services, for work, or for receiving governmental services. A Mass Gathering does not include normal operations at airports, bus and train stations or stops, medical facilities, libraries, shopping malls, and shopping centers. However, in those settings, people must follow the Recommendations to Promote Social Distancing and Reduce Transmission as much as possible, and they should circulate within the space so that there is minimal contact between people.

### **5.3. Drive-Ins.**

Events are not prohibited Mass Gatherings if the participants all stay within their vehicle, such as at a drive-in movie theater.

## **Section 6. Exception for Events at Very Large Outdoor Facilities.**

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

### **6.1. Scope.**

This Section applies only to venues ("Very Large Outdoor Facilities") which meet all of the following criteria:

- a. Guests are seated with assigned seats; and

b. The event occurs outdoors and the majority of Guests are seated outdoors; and

c. There are at least two separate entrances and at least two exits to the facility; and

d. The total seating capacity of the facility, before reductions under this Executive Order, is ten thousand ( 10,000) or more. These establishments may exceed the capacity restrictions stated in Section 3 of this Executive Order and the Mass Gathering limit stated in Section 5 of this Executive Order if they comply with all of the following restrictions.

**6.2. Capacity Restrictions at Very Large Outdoor Facilities.** The establishment must take all the following steps:

a. Overall. The operator must limit the total number of Guests in the facility to no more than seven percent (7%) of the facility's total seating capacity (measured before any reductions under this Executive Order).

b. Limiting Crowding in Concourses. The facility operator must also have staff direct or monitor the flow of Guests through common spaces to maintain social distancing as Guests enter the arena, leave the arena, or visit concession stands. The operator must also establish a guest flow plan that limits people massing together throughout the facility and when they are entering or exiting the facility.

c. Workers, entertainers, athletes, and any other support staff do not count toward these capacity limits. The capacity restrictions stated in this Section apply to sporting events held by educational or government institutions.

**6.3. Socially Distanced Seating Required.**

The establishment must use assigned seats as follows: • All events must be ticketed. No tickets shall be sold for "standing room only" or "general admission." • The facility operator must, through the use of assigned seating, ensure that each group of Guests attending the event is actually physically separated by six ( 6) feet from each Guest in each other group. • This includes not only separating each Guest group horizontally within a row, but also separating Guest groups vertically between rows so that no person has someone from another group within six ( 6) feet in front or behind them. • The facility operator must have staff periodically monitor crowds to ensure that Guests do not take seats other than their assigned seats. In this Subsection, a "group" of spectators means a set of friends or family members who bought tickets together and came into the event venue together. No group of spectators under this Section shall exceed ten (10) people.

**6.4. Face Coverings and Other Requirements Stated Above.**

The Very Large Outdoor Facility must, in addition to the requirements stated in this Section, follow all applicable requirements stated in Subsection 3.2(e)-(h) of this Executive Order.

**6.5. Alcohol Sales.**

Very Large Outdoor Facilities may serve alcoholic beverages for on-site consumption in outdoor or indoor seating areas on its premises, subject to applicable local and state regulations. If a Very Large Outdoor Facility has a distinct bar within its premises, consumption of alcohol must not occur within that bar area.

**6.6. Very Large Outdoor Facility**

Operators are encouraged to take their best efforts to avoid attendees gathering in areas around the facility before or after the event.

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