



Guidance on Restaurants within Entertainment and Fitness Facilities and Mixed-Use Facilities

July 21, 2020

1. Background

We have received questions about whether on-premises dining is allowed at restaurants within the entertainment and fitness facilities that are closed under Section 8(A) of Executive Order No. 141. We have also received questions about the rules that apply at a mixed-use facility – for example, a facility that provides both restaurant and entertainment in the same space. This guidance responds to those questions.

The Executive Order allows the operation of restaurants if the Executive Order’s emergency safety measures are followed. § 6(C). The Executive Order also provides, as an exception to the general rule that entertainment and fitness facilities are closed, the following:

“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 Section 6 of this Executive Order.”

§ 8(A)(1). The exception above is consistent with previous executive orders. See E.O. No. 120 § 1(B), E.O. No. 121 § 2(C)(19), and E.O. No. 138 § 5(B).

Nothing in Executive Order No. 141 prohibits establishments from providing entertainment for patrons within a mixed-use facility. For example, at a restaurant or within the dining component of a restaurant or fitness facility, televisions may show sporting events. However, an entire entertainment or fitness facility does not amount to a “restaurant,” as that term is used in the Executive Order, simply because food is served in a portion of the establishment. For example, a museum cafe does not make the entire museum a restaurant. Put differently, just because an entertainment or fitness facility has a restaurant on premises, that does not give the entire establishment license to operate. Because Section 8(A)(1) states that entertainment and fitness facilities “may operate solely for retail or dining,” the portions of the facilities that are not used for those purposes must remain closed.

These principles lead to the following safe harbor.

2. Safe Harbor

A space within an entertainment or fitness facility may remain open for operations as a “restaurant” under Section 6(C) of Executive Order No. 141 and is not closed as an “entertainment or fitness facility” by Section 8 of Executive Order No. 141, if the space meets all of the following requirements.

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- 1) The space meets the Executive Order's definition of "restaurant."
 - a. Under the Executive Order, "restaurant" means "permitted food establishments, under N.C. Gen. Stat. § 130A-248, and other establishments that both prepare and serve food." E.O. 141 § 1(7).
- 2) The space is operated in compliance with the requirements of Section 6(C) of the Executive Order. Under Section 6(C) of the Executive Order, restaurants and dining components of mixed-use facilities are required to:
 - Ensure social distancing by arranging tables and seating to achieve at least 6-foot separation between parties for indoor and outdoor dining.
 - Each group of people sitting at a counter should be separated by six (6) feet.
 - Ensure Emergency Maximum Occupancy is followed. The Emergency Maximum Occupancy is calculated using the following three tests, based on the square footage or fire capacity of the part of the facility that is used for dining. The most restrictive number from the three tests below must be used.
 - i. 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.
 - ii. Limit the number of people in the space so that groups can stay six (6) feet apart.
 - iii. 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.
 - Post the reduced "Emergency Maximum Occupancy" in a conspicuous place. Sign templates are available in English and Spanish on the NC DHHS COVID-19 response site.
 - Post signage reminding people about social distancing (staying at least 6 feet away from others). Know Your W's sign templates are available in English and Spanish on the NC DHHS COVID-19 response website.
 - Allow no more than 10 people at a table, unless they are a family from the same household.
 - Mark six (6) feet of spacing in lines at high-traffic areas for customers, such as any cash register or any place where customers wait to be seated.

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- Perform ongoing and routine environmental cleaning and disinfection of high-touch areas (e.g., doors, doorknobs, rails) with an EPA approved disinfectant for SARS-CoV-2 (the virus that causes COVID-19), and increase disinfection during peak times or high customer density times and of all shared objects (e.g., payment terminals, tables, countertops/bars, receipt trays, condiment holders) between use.
 - Disinfect dining tables and booths, including condiment containers and reusable menus, between each use, allowing the disinfectant to sit for the necessary contact time recommended by the manufacturer.
 - Promote frequent use of hand washing and hand sanitizer for wait/food service staff upon reporting to work and frequently throughout shift. Hand washing is required to at least meet the requirements as specified in the North Carolina Food Code Manual, Sections 2-301.12, 2-301.14, and 2-301.15.
 - Conduct daily symptom screening of employees at entrance and immediately send symptomatic workers home to isolate.
 - Post signage at the main entrance requesting that people who have been symptomatic with fever and/or cough not enter, such as Know Your Ws/Stop if You Have Symptoms flyers.
 - Employees who have symptoms when they arrive at work or become sick during the day should immediately be separated from other employees, customers, and visitors and sent home.
- 3) Customers must stay within the space in the facility where food is being served and where toilet facilities are provided; the remaining portions of the facility must remain closed and accessible only to staff.
 - 4) Customers must stay at the tables or counters where they are consuming food and beverages, rather than circulating through the establishment as they would at a bar.
 - 5) To ensure social distancing, customers must stay at least six (6) feet away from any stage or performance space and any persons performing entertainment, and entertainers must stay at least six (6) feet away from customers. This is consistent with Section 9(D) of the Executive Order.

Additional Recommendations

Social Distancing and Minimizing Exposure

[Social distancing](#) is a key tool to decrease the spread of COVID-19. Social distancing (“physical distancing”) means keeping space between you and other people outside of your home. Stay at least 6 feet (about 2 arms’ length) from other people; do not gather in groups; stay out of crowded places and avoid mass gatherings. Phase 2 includes several requirements and recommendations to support social distancing in spaces where the public may gather.

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In addition, to the requirements above, it is recommended that restaurants take the following steps:

- Don't use shared tables among multiple parties unless the seats can be arranged to maintain social distancing between parties.
- Require patrons to wait outside, with markings to ensure 6 feet apart, with floor markings and instructions for social distancing.
- Provide hand sanitizer (with at least 60% alcohol) at the entrance when available.
- Provide education to employees on how to properly wear, remove, and wash or dispose of face coverings.
- Install physical barriers, such as sneeze guards and partitions at cash registers, or other food pickup areas where maintaining physical separation of 6 feet is difficult.
- Advise all waitstaff to stay 6 feet away from customers to the extent possible.
- Advise all employees to stay 6 feet away from each other to the extent possible.
- Stagger seating times to the extent possible by using reservation systems or other methods; rotate or stagger shifts to limit the number of employees in the workplace at the same time
- Consider alternative options to gathering lots of people in a small area, such as having people wait in their cars and alerting them by phone when their table is ready.
- Staff meetings should be held virtually or provided by written notes instead of congregating.
- Reduce condiments and other items on the table for use between customers; provide condiments by request only; or provide disposable condiment packs.
- Continue to provide take-out, curbside pickup, and delivery options.
- Use rolled utensils and discontinue preset table settings.
- Continue to offer contactless payment options, curbside pickup, and delivery; if possible, use phone app technology to alert patrons when their table is ready to avoid use of pagers or buzzers.
- Use touchless payment options as much as possible. Ask customers and employees to exchange cash or card payments by placing on a receipt tray or on the counter rather than by hand. Wipe any pens, counters, or trays between use and between customers with a disinfecting wipe.
- Designate an ordering area at bars when wait staff are not available to visit each table. The ordering area should be at least 6 feet from other patrons seated at bar.

Cloth Face Coverings

- It is strongly recommended that all employees and customers wear a cloth or disposable face covering when they may be near (less than 6 feet from) other people in the restaurant. An FAQ about face coverings is available in [English](#) and [Spanish](#).
- It is encouraged that businesses provide face coverings for employees and customers. If provided, they must be single use or properly laundered using hot water and a high heat dryer between uses.
- Please share guidance to employees on use, wearing, and removal of cloth face coverings, such as [CDC's guidance on wearing and removing cloth face masks](#), [CDC's use of cloth face coverings](#), and [CDC's cloth face coverings FAQ's](#).

Cleaning and Hygiene

Washing hands with soap and water for 20 seconds or using hand sanitizer reduces the spread of transmission.

In addition to the requirements above, it is recommended that restaurants:

- Systematically and frequently check and refill hand sanitizers (at least 60% alcohol) and assure soap and hand drying materials are available at sinks.
- Use disposable menus, a menu display board, or mobile options, between customers/groups.
- Use single use/disposable linens when possible. If using disposable linens is not possible, sanitize cloth linens after each customer.
- Provide, whenever available, hand sanitizer (with at least 60% alcohol) at the entrance and other areas.
- Avoid offering any self-serve food or drink options, such as buffets, salad bars, and drink stands.
- If self-serve is used:
 - Provide an attendant at buffet areas to monitor social distancing and remove any contaminated food or utensils.
 - Change, clean, and sanitize serving utensils (e.g., tongs, bulk food dispenser spoons) every 30 minutes.
 - Have employees plate food for customers or provide increased monitoring of self-service areas.
 - Encourage handwashing and hand sanitizer use among customers before using self-service area. Provide hand sanitizer at the beginning of each service line and post signage requesting use before handling utensils.

Monitoring for Symptoms

Conducting regular screening for symptoms can help reduce exposure to COVID-19. Encourage employees to self-monitor for symptoms such as fever, cough, or shortness of breath.

If they develop symptoms, they should notify their supervisor and stay home. More information on [how to monitor for symptoms](#) is available from the CDC.

In addition to the requirements above, it is recommended that restaurants:

- Have a plan in place for immediately removing employees from work if symptoms develop.
- Establish and enforce sick leave policies to prevent the spread of disease, including:
 - Enforcing employees staying home if sick.
 - Encouraging liberal use of sick leave policy.
 - Expanding paid leave policies to allow employees to stay home when sick.
- [Per CDC guidelines](#), if an employee has been diagnosed with COVID-19 or is presumed positive by a medical professional due to symptoms, the employee should be excluded from work until:
 - No fever for at least 24 hours since recovery (without the use of fever-reducing medicine) AND
 - Other symptoms have improved (e.g., coughing, shortness of breath) AND
 - At least 10 days have passed since first symptoms

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- [Per CDC guidelines](#), if an employee has been diagnosed with COVID-19 but does not have symptoms, they should remain out of work until 10 days have passed since the date of their first positive COVID-19 diagnostic test results, assuming they have not subsequently developed symptoms since their positive test.
- Require symptomatic employees to wear masks until leaving the facility. Cleaning and disinfecting procedures should be implemented by designated personnel following [CDC guidelines](#) once sick employee leaves.
- Provide employees with information on help lines to access information or other support in reference to COVID-19, e.g. 211 and Hope4NC Helpline (1-855-587-3463).

***A test-based strategy is no longer recommended to discontinue isolation or precautions and employers should not require documentation of a negative test before allowing a worker to return.**

Protecting Vulnerable Populations

Information on who is at higher risk for severe disease is available from the [CDC](#) and [NC DHHS](#).

It is recommended that restaurants:

- Designate a specific time for persons at higher risk to access the restaurant without the general population (such as early morning, or late afternoon).
- Enable employees to self-identify as high risk for severe disease and reassign work to minimize face-to-face contact and to allow them to maintain a distance of six feet from others, or to telework if possible.

Combating Misinformation

Help make sure that the information your employees is getting is coming directly from reliable resources. Use resources from a trusted source like the [CDC](#) or [NCDHHS](#) to promote behaviors that prevent the spread of COVID-19.

It is recommended that restaurants:

- Provide workers with education about COVID-19 strategies, using methods like videos, webinars, or FAQs. Some reliable sources include [NC DHHS COVID-19](#), [Know Your W's: Wear, Wait, Wash](#), [NC DHHS COVID-19 Latest Updates](#), [NC DHHS COVID-19 Materials & Resources](#)
- Promote informational helplines like 211 and Hope4NC and other [Wellness Resources](#).
- Put up signs and posters, such as those found [Know Your W's: Wear, Wait, Wash](#) and those found [Social Media Toolkit for COVID-19](#).
- Message through media and social media.

Water and Ventilation Systems

Reduced use of water and ventilation systems can pose their own health hazards. There is increased risk for Legionella and other waterborne pathogens from stagnant or standing water.

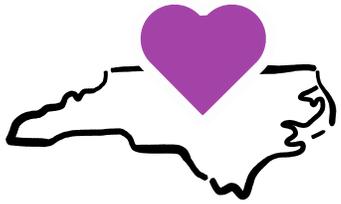
Before reopening, it is recommended that restaurants:

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- ❑ Follow the CDC's [Guidance](#) for Reopening Buildings After Prolonged Shutdown or Reduced Operation to minimize the risk of diseases associated with water.
- ❑ Ensure ventilation systems operate properly and increase circulation of outdoor air as much as possible by opening windows and doors, using fans, or other methods. Do not open windows and doors if they pose a safety or health risk to people using the facility.

Additional Resources

- NC DHHS: [North Carolina COVID-19](#)
- CDC: [Interim Guidance for Businesses and Employers](#)
- CDC: [Cleaning and Disinfecting Your Facility](#)
- CDC: [Reopening Guidance](#)
- EPA: [Disinfectants for Use Against SARS-CoV-2](#)
- FDA: [Food Safety and the Coronavirus Disease 2019 \(COVID-19\)](#)
- HHS/OSHA: [Guidance on Preparing Workplaces for COVID-19](#)
- DHS: [Guidance on the Essential Critical Infrastructure Workforce](#)



#StayStrongNC

**Staying apart brings us together.
Protect your family and neighbors.**

Learn more at nc.gov/covid19.



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