



Frequently Asked Questions (“FAQ”) for Executive Order No. 169

September 30, 2020

This FAQ provides guidance for the implementation of Executive Order No. 169 (“Order”). Under the terms of that Executive Order, North Carolina moves into Phase 3 of easing restrictions effective October 2, 2020 at 5 pm. Below are frequently asked questions (“FAQs”) and their answers. In addition, individuals should check with local governments to determine whether additional restrictions have been imposed in their local jurisdictions to limit the spread of COVID-19.

This information is subject to change in light of new CDC guidance and additional Executive Orders or local government declarations.

FAQs related to the Order

When does this Order take effect?

This Order takes effect on October 2, 2020 at 5:00 p.m. It is effective until October 23, 2020 at 5:00 p.m.

What are the major changes under this Order?

Under this Order:

- Bars’ outdoor seating areas may reopen, subject to reduced capacity limits and other restrictions. Indoor bar areas remain closed.
- Music halls, night clubs, lounges, adult entertainment, venues for live performances, arenas with spectators, and theaters *where guests are seated* may reopen, subject to reduced capacity limits for outdoor spaces and subject to the mass gathering limit (25 Guests per facility) for indoor spaces.
- The outdoor areas of amusement parks may reopen, subject to reduced capacity limits and other restrictions.
- Movie theaters may reopen, subject to reduced capacity limits and other restrictions.

- Meeting spaces in hotels, conference centers, meeting halls, and reception venues may host receptions, meetings and other functions, subject to reduced capacity limits and other restrictions.
- Gaming establishments may reopen, subject to reduced capacity limits.
- Very Large Outdoor Facilities with a capacity of more than 10,000 Guests may reopen at 7% of the facility's total seating capacity, if they meet certain requirements.

What remains the same under Phase 3?

- The Mass Gathering limit remains at 25 indoors and 50 outdoors.
- Indoor seating areas in bars remain closed.
- Indoor rides at amusement parks remain closed.
- Fitness and exercise facilities remain open, subject to reduced capacity limits and other requirements.
- Restaurants remain subject to capacity limits and other requirements for in-person dining.
- Personal care businesses such as hair salons, nail salons, barber shops and more remain subject to capacity limits and other requirements.
- Museums and aquariums remain open, subject to reduced capacity limits and other requirements.
- Face coverings are still required in public when it is not possible to maintain social distancing from non-household members. In Phase 3, this requirement applies to any public place or business, indoor or outdoor.
- Alcohol sales are still required to cease from 11:00 p.m. to 7:00 a.m.

Are Guests required to wear face coverings while riding on outdoor rides?

Yes. Guests are required to wear face coverings in all public places, including on the premises or on transportation operated by amusement parks, unless an exception applies.

If my amusement park has a dining or retail area, may I operate those indoor portions of the facility?

Yes. However, indoor rides and other indoor attractions remain closed.

I am taking a large group to an outdoor amusement park. Are we subject to the mass gathering limit?

Yes. Group activities at outdoor amusement parks are permitted, subject to the Mass Gathering limit.

Are bars open under this Order?

Yes, for on-site consumption in outdoor seating areas only, subject to applicable local and state regulations. Indoor bar areas must remain closed.

Are non-bar nightclubs, lounges, adult entertainment facilities, other night spots, and arenas open under this Order?

Yes, provided they can comply with the terms of the Order, including the requirement that Guests remain seated. All establishments in this category may open their outdoor areas, subject to emergency occupancy limits and other requirements, and may operate indoors subject to the mass gathering limit (25 per facility).

Where are bars, night spots, and arenas allowed to serve alcoholic beverages?

Alcoholic beverages may be consumed only in outdoor seating areas, subject to applicable local and state regulations.

Can Guests go inside the bar to order drinks?

If necessary, Guests may place orders inside the establishment. However, all alcoholic beverages must be consumed in the outdoor seating area. Guests placing orders inside the establishment must wear face coverings and wait six feet apart.

My bar or nightclub does not have a designated outdoor seating area. May I use a parking lot, grassy area, or other designated space?

Establishments should check their local and state regulations to determine if and how they can expand their outdoor premises. At all times on existing or expanded outdoor premises, tables must be arranged six feet apart and the establishment must be in compliance with emergency occupancy limits.

For my bar, night spot, or arena, how many Guests are allowed in the outdoor seating area?

The lesser of 100 people or 30% of the outdoor occupancy limit. For example, if a bar's outdoor occupancy limit is 400 people, its 30% occupancy calculation would be 120 people outdoors. However, bars may only serve 100 people outdoors, per the terms of this Order, so this bar is allowed 100 Guests.

This Order continues the restrictions on the late night sale of alcohol. Does this mean my bar has to close at 11:00pm?

No, but alcohol sales must cease at 11:00 p.m.

Is music and live performance allowed at my bar, night spot, or arena?

Yes. All performers must follow social distancing guidelines.

May guests be seated both indoors and outdoors at non-bar night clubs, lounges, and other night spots?

These establishments may seat up to 25 guests indoors while also having guests seated outdoors up to the maximum capacity limit. Establishments that were not seated

before COVID-19 may bring in seats. Alcohol consumption is only permitted in outdoor seating areas.

May bars have pool tables, dart games, and other amenities available for their guests?

Only outdoors. Indoor bar amenities are not open under this Order.

Are movie theaters allowed to reopen?

Yes. Movie theaters may reopen subject to occupancy limits and other restrictions.

Which event and entertainment facilities remain closed under this Order?

Indoor event and entertainment venues, night clubs, lounges, and other night spots where guests are not seated.

May I have an indoor wedding reception?

Yes. Venues may host wedding receptions with an occupancy limit of the lesser of 100 people or 30% of the stated fire capacity. Guests must be seated and the establishment must follow other requirements set forth in the Order. Facilities should avoid scheduling a standing reception or cocktail hour. Wedding ceremonies are not subject to the capacity and other requirements in this Order, but Guests are encouraged to follow the Three Ws (Wear a face covering, Wash hands, and Wait six feet apart).

May I serve alcohol at my movie theater, meeting space, or gaming business?

Yes, if allowed under applicable local and state regulations.

At seated events and venues, may guests bounce from table to table?

No. Guests must remain seated.

Are transportation vehicles used for amusement (such as hayrides and trolleys) allowed to operate?

Yes, subject to 30% occupancy limitations and other requirements.

When must the sale or service of alcoholic beverages cease?

For any business that is open and permitted to serve alcoholic beverages for on-site consumption, the sale and service of alcoholic beverages must cease between 11:00 p.m. and 7:00 a.m.

Do the limits placed on spectators at entertainment and sporting events in very large outdoor facilities apply to professional and collegiate sports?

Yes. Spectators at professional and collegiate sporting events at very large outdoor facilities (defined as those facilities with a total seating capacity of 10,000 or more

and which meet the other conditions in the Order) are limited to 7% of the facility's total seating capacity.

Are alcohol sales permitted at very large outdoor facility events?

Yes, alcoholic beverages may be served for on-site consumption, subject to applicable local and state regulation. However, if a very large outdoor facility has a distinct indoor bar area (like a bar in the facility's concourse), guests may not consume alcohol in that area.