



MIKE CAUSEY, INSURANCE COMMISSIONER & STATE FIRE MARSHAL
BRIAN TAYLOR, CHIEF STATE FIRE MARSHAL

MEMORANDUM

TO: Code Officials/Fire Chiefs

FROM: Brian Taylor
Chief State Fire Marshal
NC Department of Insurance

DATE: April 10, 2020

SUBJECT: Retail Occupancy Restrictions

Executive Order No.131 directing all retail establishments that are allowed to operate under Executive Order No. 121 or under any Order issued by a political subdivision of the State are required to take additional steps to limit the risk of community transmission of COVID-19, and to ensure that employees and customers are able to maintain appropriate social distancing.

For the purposes of this Executive Order, “retail establishments” include any business in which customers enter to purchase goods or services, including but not limited to grocery stores, convenience stores, large-format retail stores, pharmacies, banks, ABC stores, hardware stores, and vehicle dealerships. “Retail establishments” also includes retail establishments operated by the State, its political subdivisions, or agencies thereof.

To limit the number of customers in a retail establishment, the Order requires an Emergency Maximum Occupancy (EMO) be determined and posted. There are two options in the order for establishing the EMO:

1. 20% of the stated fire capacity; or
2. Five (5) customers for every one thousand (1,000) square feet of the retail location’s total square footage, including non-customer facing portions

As retail businesses don’t have a stated fire capacity, our recommendation is to simply use 200 square feet per occupant to establish the EMO. This is consistent with option #2. As you begin receiving calls from your retail establishments, we wanted to provide some guidance to you on what we think will be the easiest way to calculate the EMO.

The Order is set to become effective on Monday, April 13, 2020 at 5:00 PM.

If you have additional questions, please feel free to contact us at cliff.isaac@ncdoi.gov (T) 919-605-9652 or charlie.johnson@ncdoi.gov (T) 919-888-0162.