



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: May 6, 2020

SUBJECT: Retail Occupancy Restrictions

A new Executive Order No.138 was issued by Governor Cooper on May 5, 2020 and it revises Executive Order No.131 regarding specific requirements for retail businesses that can be open to customers. Among other things, the Order requires businesses to restrict the number of customers and to follow certain social distancing guidelines.

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 provided for establishing the EMO:

1. 50% of the stated fire capacity; or
2. Twelve (12) customers for every one thousand (1,000) square feet of the location's total square footage, to include areas that are not accessible to customers.

Most retail businesses won't have a stated fire capacity, so option #2 will most likely be used for calculating the reduced capacity. We also want to emphasize the following points:

- The Executive Order was issued by the Governor and it supersedes the code.
- It is the responsibility of the retail location to produce and post the EMO. Code officials can assist if contacted.
- Only law enforcement can enforce the Order.
- The calculated EMO is for customers only and does not include employees or delivery personnel.
- The total building square footage, including non-customer areas should be used for the calculation.
- The Order becomes effective on Friday, May 8, 2020 at 5:00 PM.

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