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EMAIL TO: All Sheriffs
FROM: Eddie Caldwell
Executive Vice President and General Counsel
North Carolina Sheriffs' Association
SENT: March 21, 2020
SUBJECT: During the Coronavirus Pandemic, where can people eat carry-out food from a restaurant?

This email will clarify existing questions related to whether or not a citizen can purchase carry-out food from a restaurant and consume that food in the outdoor seating area of the restaurant.

On March 17, 2020 Governor Cooper issued Executive Order No. 118, which prohibits restaurants from serving citizens within the indoor space of a restaurant. Although indoor dining is prohibited, the Order specifically allows the consumption of food in a restaurant's outdoor seating area. Section 1. (a)(vi) of the Governor's March 17 Executive Order provides: "restaurants are restricted to carry-out, drive-through, delivery, and onsite consumption in outdoor seating areas, subject to mass gathering restrictions" [of not more than 100 people]. A copy of **Executive Order No. 118** is attached to this email.

Also on March 17, 2020, Secretary Cohen of DHHS issued a mandate that prohibits citizens from eating carry-out food in either indoor or outdoor seating areas of a restaurant. The Secretary's March 17 Order of Abatement of Imminent Hazard provides: "All owners, lessees, operators, or other persons in control of a restaurant shall close all restaurant seating areas immediately." A copy of the **Order of Abatement of Imminent Hazard** is also attached to this email.

This discrepancy has created problems for law enforcement officials tasked with enforcing these restrictions during the coronavirus pandemic. As a result, the North Carolina Sheriffs' Association continues to consult with our State government partners to obtain clarification of either vague or conflicting mandates that have been issued since the Declaration of a State of Emergency by Governor Cooper on March 10, 2020.

On March 19, 2020, staff from the Governor's Office issued a Frequently Asked Questions document that resolves the conflict of whether or not a citizen can



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Email to All Sheriffs

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consume carry-out food in the outdoor seating area of a restaurant. State officials have indicated that "local jurisdictions should enforce the more stringent Order of Abatement of Imminent Hazard" that was issued by the Secretary of DHHS. A copy of the **Frequently Asked Questions (FAQ) for Executive Order No. 118 and Order of Abatement** is attached to this email.

Therefore, a citizen is currently prohibited from eating in any restaurant seating area, including those that are outside the restaurant itself. This does not, however, prohibit customers from taking their carry-out food from the restaurant and eating it on the curb, at a bus stop bench, across the street, or anywhere else not owned or controlled by the restaurant.

This restriction remains in effect until March 31, 2020, unless extended by further order.

If you have any questions regarding this matter, please contact Matthew Boyatt, NCSA Deputy General Counsel, at mboyatt@ncsheriffs.net or at 919-459-6467.

Thanks....Eddie C.



Edmond W. (Eddie) Caldwell, Jr.

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North Carolina Sheriffs' Association

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