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MEMORANDUM OF GUIDELINES – Temporary Extension of Premises for On-Premises Consumption

THESE GUIDELINES ARE ONLY VALID DURING PHASE 2 OF GOVERNOR COOPER'S EASING OF RESTRICTIONS IN EXECUTIVE ORDER 116 DECLARING A STATE OF EMERGENCY.

In accordance with Executive Order 141, the ABC Commission will temporarily allow On-Premise ABC permit holders to include additional outdoor seating as part of their licensed premises if that space is approved by the appropriate local government entity. This temporary change is allowed to maximize social distancing. The below guidelines do not override any order from Governor Cooper, the NC Department of Health and Human Services, or any local ordinances. In the event that North Carolina reverts to Phase 1, these guidelines are invalid during that time period.

An application for a temporary extension will not need to be submitted to the ABC Commission.

If the extension is not covered by a deed or lease, permittee must obtain the written permission of the owner of that property.

In addition to receiving approval from the appropriate local government entity, the permittee must notify their ALE agent, the District ALE office or local law enforcement of the temporary extension of premises **prior to** use of the extended area. This includes those who will be temporarily extending their premises onto their own property (yard or parking lot, for example). Contact information for NC ALE can be found at the bottom of this document.

A diagram of the temporary extension must be maintained on the permitted premises indicating the size and location of the temporary extension, the types of barriers to be used, and how many tables and chairs will be placed in the temporary area.

The temporary extension does not increase an establishment's maximum occupancy as previously established by the fire code. (See EO141, Section 6.C.2.a)

The extension of premises must be adjacent to, abutting, and connected to the primary licensed premises. One of the exterior walls of the licensed premises must be part of the extended area.

Any temporary extension must comply with ADA accessibility requirements.

The temporary area must be visibly and vertically marked off (crowd control stands, bike racks, planters, etc.) so that the average citizen can distinguish between the extended licensed premises and the public walkway.

If extending into public property (such as sidewalk or street closures), it is recommended the local governing authority issue written guidelines (either by resolution or from the appropriate government division).

Consumers will not be allowed to take open containers of alcoholic beverages out of the temporary extension of premises area.

Failure to comply with these guidelines or other ABC rules could result in immediate cancellation of your temporary extension.

If you have questions for the NC ABC Commission, please contact General Counsel, Stacey Carter-Coley at stacey.carter-coley@abc.nc.gov.

To notify ALE of your temporary extension of premises, visit: <https://www.ncdps.gov/our-organization/law-enforcement/alcohol-law-enforcement/about-ale>, click "Contact ALE by Email", and send an email with your Trade Name and complete address.