



Division of Food and Recreational Safety

April 21, 2020

Occupancy Limits in the Safer at Home Order No. 28

The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) wants to provide information from the latest emergency order issued by the Department of Health Services (DHS) at the direction of Gov. Tony Evers.

It is important to remember that the new order does not take effect until 8 a.m. on Friday, April 24, when the first emergency order (No. 12) expires. The new order will be in effect until 8 a.m. on Tuesday, May 26.

The newest directive, [Emergency Order No. 28](#), continues to prohibit restaurants and bars from offering dine-in service. However, they are allowed to provide takeout, curbside pickup or delivery. No seating may be provided, and food may not be consumed at the restaurant.

Restaurants and bars may continue to provide food in the following ways:

- **Takeout:** Customers may enter restaurants and bars only for the purpose of ordering, pickup, and paying for food or beverage. Social distancing of at least 6 feet must be maintained.
- **Delivery**
- **Drive-thru**

In addition, the new order creates restrictions on occupancy in retail food establishments. This message addresses the new restrictions.

Question: What is meant by “occupancy limits” as stated in the new order?

For stores with less than 50,000 square feet of customer floor space:

- Limit the number of people in the store (including employees) to 25% of the total occupancy limits established by the local municipality.

For stores of more than 50,000 square feet:

- Limit the number of customers in the store at one time (excluding employees) to four people per 1,000 square feet of customer floor space.
- Offer at least two hours per week of dedicated shopping time for vulnerable populations, which for purposes of this order are people over 60, pregnant women, and those with chronic conditions like heart disease, diabetes, and lung disease.
- Establish lines to regulate entry in accordance with occupancy restrictions with markings for patrons to enable them to stand at least 6 feet apart from one another while waiting. Stores should also use alternatives to lines, including allowing customers to wait in their cars for a text message or phone call, and scheduling pickups or entries to the store.



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2811 Agriculture Dr., P.O. Box 8911, Madison, WI 53708

<https://www.datcp.wi.gov>

Grocery stores can still operate under the same restrictions on self-service and seating areas. However, additional information in Emergency Order No. 28 clarifies that the exemption to operate as an essential business does not include businesses engaged in the sale of food or beverage ancillary to its primary purpose.

Helpful Resources

The [State of Wisconsin created a webpage](#) that offers resources from various agencies and answers to critical questions.

Here are a few other resources from DHS that might be helpful:

- [COVID-19 Information](#)
- [COVID-19 Facts: Why Social Distancing](#)
- [COVID-19 Facts: Protect Your Family](#)

Thank you for your role in keeping Wisconsinites safe by reducing the spread of COVID-19. If you have questions for DATCP, please email us at datcpfoodcomplaintsemergencyresponse@wisconsin.gov.



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