South Carolina State Fire Marshal Offers Guidance on Determining Emergency Maximum Occupancy Rate in Compliance with Executive Order No. 2020-21

Governor Henry McMaster issued Executive Order No. 2020-21, directing retail establishments to limit the number of customers inside of their buildings to 5 people per 1,000 square feet OR to 20% of the occupant load as determined by the fire marshal, whichever is less.   In response to this order, our Office has received phone calls from local fire marshals and from members of the public with questions about how to apply this Emergency Maximum Occupancy Rate.

As such, the South Carolina Office of State Fire Marshal would like to offer the following general guidance about how to apply the Emergency Maximum Occupancy Rate contained in the Executive Order:

- Retail (mercantile) occupancies are not required by the fire code to have a maximum occupancy posted. Therefore, the occupancy limit may not already be determined or posted by the local fire marshal.
- If the occupancy limit has not already been calculated and/or posted for the retail store, local officials may just use 5 customers per 1,000 square feet of retail space, in order to apply the Emergency Maximum Occupancy Rate.
- If the occupancy limit has already been calculated and/or posted for the retail store, local officials may use 20% of the posted number or 5 customers per 1,000 square feet of retail space (whichever is less), in order to apply the Emergency Maximum Occupancy Rate.
- Two important items to note:
    - The Emergency Maximum Occupancy Rate applies to the number of **CUSTOMERS** to enter and simultaneously occupy the premises. Employees are not counted in the Emergency Maximum Occupancy Rate.
    - The Emergency Maximum Occupancy Rate applies to the square footage of **retail space** and does not include the areas used for storage, stockage, etc.