



FIRE MARSHAL BULLETIN FOR FIRE AND LIFE SAFETY REQUIREMENTS

Fire Code Requirements for sidewalk café, tents, canopies, cooking and heating applications for outdoor gatherings, seating and eating.

Revised 11.01.2020

This Informational Bulletin has been developed by the Monterey Fire Department Fire Prevention Bureau to summarize the fire and life safety regulations relating to sidewalk café, temporary structures classified as tents and canopies. The purpose of this document is to establish standards for outdoor dining including outdoor dining in areas less than 200 sq. ft. located in commercial districts and the residential visitor commercial district. This bulletin is to accommodate pedestrian circulation, meet applicable code requirements as well as create well-designed and attractive outdoor dining areas. These fire codes are to inform the public and businesses with the new COVID-2020 regulations.

Definitions and Use

Temporary membrane structures, tents, and canopies shall be used for a period of not more than 180 days within any 12-month period at a single facility unless approved by the Building Official.

Sidewalk café - A sidewalk café is an area for outdoor dining located in the public right-of-way that is adjacent to a street level eating and drinking establishment.

Tent - Any temporary structure, enclosure, or shelter constructed of fabric or pliable material supported in any manner other than by air or the contents it protects.

Canopy - A temporary structure, enclosure, or shelter constructed of fabric or pliable materials supported in any manner other than by air or the contents it protects, which is open, without side walls or drops on 75 percent or more of the perimeter.

Temporary Structure - Any enclosure or shelter constructed of materials as described in the California Fire Code (CFC) A tent or temporary membrane structure having an area in excess of 400 square feet (37m²) shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the fire code official.

Exceptions:

1. Tents used exclusively for recreational camping purposes.
2. Tents open on all sides which comply with all of the following:
 - 2.1 Individual tents having a maximum size of 700 square feet (65m²).
 - 2.2 The aggregate area of multiple tents placed side by side without a firebreak clearance of 12 feet (3658 mm), not exceeding 700 square feet (65m²) total.
 - 2.3 A minimum clearance of 12 feet (3658 mm) to all structures and tents.

Construction documents.

A detailed site and floor plan for tents or membrane structures with an occupant load of 50 or more shall be provided with each application for approval. The tent or membrane structure floor plan shall indicate details of the means of egress facilities, seating capacity, arrangement of the seating and location and type of heating and electrical equipment. The construction documents shall include an analysis of structural stability.

Inspections. The entire tent, air-supported, air-inflated or tensioned membrane structure system shall be inspected.

Submit any Alternate Methods and Means Request for application to the Monterey Fire Prevention Bureau

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ACCESS, LOCATION AND PARKING

Fire apparatus access shall be provided as outlined in California Fire Code. Access roads shall have an unobstructed width of not less than 20 feet with vertical clearance of 13 feet, 6 inches.

Temporary membrane structures, tents, and canopies shall not be located within 20 feet of buildings, property lines, parked vehicles, internal combustion engines, or other temporary membrane structures, tents, or canopies. For the purpose of determining required distances, support ropes and guy wires shall be considered as part of the temporary membrane structure, tent, or canopy.

Exception: Separation distance between temporary membrane structures, tents, and canopies not used for cooking is not required when the aggregate floor area does not exceed 15,000 square feet. Also, the Fire Marshal may approve tents located in or on permanent buildings provided that such use does not constitute an undue hazard.

STRUCTURAL STABILITY

Temporary membrane structures, tents, and canopies and their appurtenances shall be adequately braced and anchored to prevent weather-related collapse. Documentation of structural stability shall be furnished to the Fire Marshal upon request.

FLAME RETARDANT TREATMENT AND STANDARDS

Side walls, drops, and tops of temporary membrane structures, tents, and canopies shall be composed of flame-resistant material or shall be treated with a flame retardant in an approved manner. All floor coverings, bunting, combustible decorative materials and effects, including sawdust when used on floors or passageways, shall be composed of flame-resistant material or shall be treated with a flame retardant in an approved manner.

The grounds outside and adjacent to or within 30 feet of temporary membrane structures, tents, and canopies shall be kept free and clear of combustible wastes. Such wastes shall be stored in approved containers until removed from the premises.

Temporary membrane structures, tents, and canopies shall have a permanently-affixed label bearing the following information:

- a. Identification of temporary membrane structure, tent, or canopy, size and fabric or material type;
- b. For flame-resistant materials, necessary information to determine compliance with this standard;
- c. For flame-retardant treated materials, the date that the temporary structure, tent, or canopy and other combustible materials were last treated with an approved flame retardant;
- d. The trade name and type of flame retardant utilized in the flame-retardant treatment;
- e. The names of the person and firm that applied the flame retardant.



MAXIMUM OCCUPANT LOAD

Occupant load requirements shall be in accordance with the provisions of Chapter 10 of CFC

EXITS

Exits shall be spaced at approximately equal intervals around the perimeter of the temporary membrane structures, tents and canopy and shall be located such that all points are 100 feet or less from an exit.

Exit openings from tents shall remain open unless covered by a flame-resistant curtain as follows:

- a. Curtains shall be free sliding on a metal support. The support shall be a minimum of eight (8) feet above the floor level at the exit. Curtains shall be so arranged that, when open, no part of the curtains obstruct the exit; and
- b. Curtains shall be of a color, or bear markings that will contrast with, the color of the tent.

**MINIMUM NUMBER OF EXITS AND EXIT WIDTHS FOR
TEMPORARY MEMBRANE STRUCTURES, TENTS AND CANOPIES***

Occupant Load	Minimum Number Of Exits	Tent or Canopy Exit Opening Size	Air-supported Structure Exit Opening Size
10 to 199	2	72 in.	36 in.
200 to 499	3	72 in.	72 in.
500 to 999	4	96 in.	72 in.
1,000 to 1,999	5	120 in.	96 in.
2,000 to 2,999	6	120 in.	96 in.
Over 3,000	7	120 in.	96 in.

DOORS

Exit doors shall swing in the direction of exit travel. To avoid hazardous pressure loss from air supported structures, such doors shall be automatic closing against operating pressures. Opening force at the door edge shall be in accordance with the Building Code.

MAINTENANCE OF MEANS OF EGRESS

The required width of exits, aisles and passageways shall be maintained at all times to a public way.

Guy wires, guy ropes, and other support members shall not cross a means of egress at a height of less than eight (8) feet.

The surface of means of egress shall be maintained in an approved manner.

EXIT ILLUMINATION AND SIGNAGE

Means of egress shall be illuminated with light having an intensity of not less than one (1) foot-candle at floor level while the structure is occupied. Fixtures required for means of egress illumination shall be supplied from a separate circuit or source of power when occupant load exceeds more than 300.

Exit signs shall be installed at required exit doorways and where otherwise necessary to clearly indicate the direction of egress when the exit serves an occupant load of 50 or more.

- a. For occupant loads of 300 or less, two separate circuits, one of which shall be separate from all other circuits, shall be provided.
- b. When the occupant load exceeds 300, two separate sources of power, one of which shall be an approved emergency system, shall be provided. Emergency power shall be supplied from storage batteries or on-site generator set, and the system shall be installed in accordance with the Electrical Code.



SEATING ARRANGEMENTS AND AISLE SPACING

Seating arrangements and aisle spacing shall be in accordance with Chapter 10 of the California Fire Code and meet the approval of the Fire Marshal.

For situations without fixed seats, the minimum clear aisle width shall be 36 inches where seats, tables counters, furnishings, displays, and similar fixtures or equipment are placed on one side of the aisle only, and 44 inches when such fixtures or equipment are placed on both sides of the aisle.

Aisles shall terminate at a cross aisle, foyer, doorway, or dormitory. Aisles shall not have a dead end greater than 20 feet in length.

When seating rows have 14 or fewer seats, the minimum clear width between rows shall not be less than 12 inches measured from the back of one seat to the nearest projection of the seat behind. The clear width shall be increased as follows:

- a. For rows of seating served by aisles or doorways at both ends, there shall be no more than 100 seats per row. A minimum clear width of 12 inches between rows shall be increased by 0.03 inch for every additional seat beyond 14, but the minimum clear width need not exceed 22 inches.
- b. For rows of seating served by an aisle or a doorway at one end only, the minimum clear width of 12 inches between rows shall be increased by 0.06 inch for every additional seat beyond seven, but the minimum clear width need not exceed 22 inches. In addition, the distance to the point where the occupant has a choice of two directions of travel to an exit shall not exceed 30 feet from the point where the occupant is seated.

When there are more than 300 seats, loose seats, folding chairs, or similar seating facilities that are not fixed to the floor shall be bonded together in groups of three or more. Bonding of chairs is not required when tables are provided for dining or similar purposes.

SMOKING AND OPEN FLAMES

Smoking shall not be permitted in any temporary membrane structure, tent or canopy, or in any adjacent areas where hay, straw, or any other combustible materials are stored or used unless approved by the Fire Marshal. Approved "NO SMOKING" signs shall be conspicuously posted.



COOKING EQUIPMENT

Cooking equipment is permitted only inside tents used exclusively for the cooking of food. No other uses such as public assembly, sales, displays, etc. are permitted.

(Exception: The warming of food, cooking demonstrations, or similar activities where the equipment and operations involved do not present an ignition hazard as approved by the Fire Marshal.)

Cooking equipment used in cooking tents shall be vented to the outside air by approved means. Where vents or flues are used, all portions of the tent or canopy shall be no less than 12 inches from the flue or vent. Solid fuel burning equipment shall be equipped with a spark arrestor having opening not exceeding ¼ inch wire mesh.

Tents where cooking is performed shall be separated from other temporary membrane structures, tents, and canopies by a minimum of 20 feet.

Outdoor cooking that produce sparks or grease-laden vapors shall not be performed within 20 feet of a non-cooking temporary membrane structure, tent, or canopy. All other cooking equipment shall be located a minimum of 10 feet from temporary membrane structures, tents, and canopies.

Only comfort-type heating equipment is permitted.

Stored fuel shall be located a minimum of 50 feet from the tent.

Cooking equipment shall not be located within 10 feet of exits, exit pathways, tent or canopy fabric, or other combustible materials.

All cooking and heating equipment, tanks, piping, hoses, fittings, valves, tubing, and other related components shall be approved and in accordance with the Mechanical Code.

PORTABLE FIRE EXTINGUISHERS AND OTHER FIRE PROTECTION APPLIANCES

Minimum fire extinguisher coverage shall be provided in every temporary membrane structure, tent, or canopy as follows:

- a. 200 to 500 square feet of floor area: one 2A:10B:C extinguisher
- b. 501 to 1,000 square feet of floor area: two 2A:10B:C extinguisher
- c. Each additional 2,000 square feet of floor area or fraction thereof: one 2A:10B:C extinguisher

Fire extinguishers shall be provided for each kitchen, mess hall, power generator, or transformer location where flammable or combustible liquids are used, and in other locations in accordance with Uniform Fire Code Standard 10-1.

At least one 40B:C type fire extinguisher shall be provided for each kitchen, mess hall, power generator, or transformer, and at locations where flammable or combustible liquids are used, stored, or dispensed.

Other fire appliances shall be maintained at the site as may be required by the Fire Marshal.

FLAMMABLE OR COMBUSTIBLE LIQUIDS AND LIQUIFIED PETROLEUM

Requirements are not only California Fire Code but is also an OSHA requirement.

Portable outdoor gas-fired heating appliances, commonly known as patio heaters. These portable heating appliances are typically configured as a free-standing pole, fashioned with a heater and reflector dome/shield at the top, with a broad base arranged for the storage of a 20-pound propane (LPG) cylinder. These appliances may also be designed to appear and function as portable outdoor fireplaces or tall patio tables.

PORTABLE OUTDOOR GAS-FIRED HEATERS (PATIO HEATERS)

Prohibited locations.

The storage or use of portable outdoor gas-fired heating appliances is prohibited in any of the following locations:

1. Inside of any occupancy where connected to the fuel gas container.
2. Inside of tents, canopies and membrane structures.
3. On exterior balconies.

Clearance to Combustible Materials.

Portable outdoor gas-fired heating appliances shall not be located beneath, or closer than 5 feet to combustible decorations and combustible overhangs, awnings, sunshades, or similar combustible attachments to buildings.

Clearance to Buildings.

Portable outdoor gas-fired heating appliances shall be located at least 5 feet from buildings.

Prohibited Storage or Use. The storage or use of portable outdoor gas-fired heating appliances is prohibited in any of the following locations:

- Inside of any occupancy when connected to the fuel gas container
- Inside of tents, canopies and membrane structures.
- On exterior balconies.

Installation and Operational Requirements.

Proximity to Exits.

Portable outdoor gas-fired heating appliances shall not be located within 5 feet of exits or exit discharges.

Listing & Approval.

Only listed and approved portable outdoor gas-fired heating appliances utilizing a fuel gas container that is integral to the appliance shall be used.

Installation & Maintenance.

Portable outdoor gas-fired heating appliances shall be installed and maintained in accordance with the manufacturer's instructions.

Tip-over Switch Required.

Portable outdoor gas-fired heating appliances shall be equipped with a tilt or tip-over switch that automatically shuts off the flow of gas if the appliance is tilted more than 15 degrees from the vertical.

Guard Against Contact Required.

The heating element or combustion chamber of portable outdoor gas-fired heating appliances shall be permanently guarded to prevent accidental contact by persons or material.

Loose Propane tanks shall be staked and secured away from a tent no less than 20 feet. (If not possible please consult with the Fire Marshal) Cylinders that are stored shall be secured and chained together in an area away from the public. Flammable and combustible liquids shall be stored outside in an approved manner not less than 50 feet from temporary membrane structures, tents, or canopies.

Refueling shall be performed in an approved location not less than 20 feet from temporary membrane structures, tents, or canopies.

FLAMMABLE OR COMBUSTIBLE LIQUIDS AND LIQUIFIED PETROLEUM CONT.

Required Fire Extinguishers

1. 2A-10BC fire extinguisher available within 10-feet of the heaters.
2. Each mushroom heater shall be supplied with only one propane bottle.
3. One 20-lb bottle per heater maximum.

Storage

- Minimize exposure to excessive temperature rise, physical damage or tampering.
- Store cylinders in an open-air storage unit or cage with a protective roof overhead.
- Cylinders stored inside must not be located near exits, stairways, or in areas normally used, or intended to be used, for the safe exit of people.
- In buildings not frequented by the public (such as industrial facilities), not more than 300-pounds of LP gas in cylinders can be stored in one location.
- Use and store cylinders in the proper position. Store cylinders with the relief valve in direct contact with the vapor space in the container.
- Cylinder valves must be protected - screw-on type caps or collars must be securely in place on all stored cylinders regardless of whether they are full, partially full or empty, and container outlet valves must be closed.
- Storage locations must be provided with at least one approved portable B:C rated fire extinguisher and no more than 50-feet from the storage location.
- Cylinders that are stored shall be secured and chained together in an area away from the public.
- Flammable and combustible liquids shall be stored outside in an approved manner not less than 50 feet from temporary membrane structures, tents, or canopies.

Comfort heating equipment

All fuel-fired comfort heating equipment shall be located on the exterior of the temporary membrane structure or tent a minimum of 10 feet away. Heated air shall be ducted from the equipment to the temporary membrane structure or tent.

Separate fuel supplies that are in use for comfort heating equipment shall be located a minimum of 20 feet from the temporary membrane structure or tent.

MUSHROOM HEATER USE

The installation of LP-gas containers and use of LP-gas is prohibited where a source of natural gas is within 300 feet of the nearest property line.

EXCEPTIONS - Not applicable if mushroom heater is supplied with natural gas, and installed according to the International Gas Code and one and two-family dwellings are not required to obtain a permit.

Requirements:

- Mushroom heaters containing propane bottles shall not be stored indoors.
- Mushroom heaters shall not be used under tents or canopies.
- Mushroom heaters shall not be permitted on roofs or balconies.
- Mushroom heaters shall be located 10 feet or more from any exit.
- Mushroom heaters shall be placed no closer than 10 feet apart from each other.
- Mushroom heaters shall have "NO SMOKING" signs posted.
- Mushroom heaters shall be located 10-feet away from any structure.
- Portable heaters shall be equipped with an approved automatic device to shut off the flow of gas to the main burner and to the pilot, if used, in the event of flame extinguishment or combustion failure.
- Portable Heaters shall be self-supporting unless designed for cylinder mounting.
- Portable heaters shall not be installed utilizing cylinder valves, connectors, regulators, manifolds, piping, or tubing as structural supports.
- Portable heaters having an input of more than 50,000 Btu/hr (53MJ/hr) shall be equipped with either a pilot that must be lighted and proved before the main burner can be turned on or an approved electric ignition system.
- There shall be a 2A-10BC fire extinguisher available within 10-feet of the heaters.
- Each mushroom heater shall be supplied with only one propane bottle.
- One 20-lb bottle per heater maximum.
- All specific guidelines for propane cylinders shall apply.
- Connections for propane cylinders shall be soap tested after every bottle change.
- Additional storage of propane bottles must be locked up outside in an approved cage.
- Mushroom heaters shall be protected from tampering. Propane bottles must be locked inside heater. The heater must be staked or chained or by some other method to prevent tipping.

GENERAL FIRE PROTECTION AND HOUSEKEEPING

Fire evacuation plans. A fire safety and evacuation plan that complies with Section 404 of the this code shall be submitted.

Staffing. The event shall be adequately staffed by qualified person(s) to control the occupant load and assist patrons in exiting should an evacuation become necessary. Staffing level shall be determined upon review of plans and may be increased at the discretion of the Fire Code Official.

Firewatch. A temporary measure intended to ensure continuous and systematic surveillance of a building or portion thereof by one or more qualified individuals for the purposes of identifying and controlling fire hazards, detecting early signs of unwanted fire, raising an alarm of fire and notifying the fire department.

Electrical

Extension cords. Extension cords shall be UL listed and shall be appropriate for the intended use.

Power strips. Only UL listed power strips with over-current protection shall be used when the number of outlets provided is inadequate. Power strips shall be plugged directly into the outlet, and shall not be plugged into one another in series.

String lighting. Manufacturer's installation guidelines shall be followed for the maximum allowable number of shall be followed for the maximum allowable number of string lights that can be connected. When connecting string lights together, the total amperage of all string lights shall be calculated to ensure that they do not exceed the amperage for the extension cord and circuit.

All extension cords and power strips shall be adequately protected from foot traffic.

Additional electrical applications will be evaluated by the building official.

Decorative materials. Interior wall, ceiling, and floor finishes shall be Class A rated in accordance with the Flame retardant. All decorative materials shall be both inherently flame retardant and labeled as such, or shall be treated with a listed flame-retardant material. If the material is treated by the user, a container and receipt will serve as proof.

Flame test. Testing shall be done in accordance of California Code of Regulations, Title 19, Division 1, Article 3, Section 3.21(a) and (b). Proof of testing shall be provided.

Placement of decorative materials. Decorative materials, props and/or performer platforms shall not obstruct, confuse, or obscure exits, exit signs, exit pathways, emergency lighting or any component of fire protection systems and equipment (i.e... fire extinguishers, fire alarm systems, fire sprinklers, etc.) inside or outside the building.

Maintenance.

Good housekeeping shall be maintained at all times throughout the sidewalk café, tents, canopies, cooking and heating applications for outdoor gatherings, seating and eating and exit pathways.

Combustible Vegetation

Shall be removed from the area occupied by a temporary membrane structure, tent, or canopy, and from areas within 30 feet of such a structure. Hay, straw, trash, and similar combustible materials shall not be stored inside or within 30 feet of a temporary membrane structure, tent, or canopy being used for cooking or public assembly. (Exception: Hay, straw, and similar combustibles treated with a flame retardant in an approved manner.)

PORTABLE GENERATORS

When portable generators are utilized, they shall be diesel fuel type and located a minimum of 20 feet away from all structures and shall be enclosed with a metal fence. Generators shall also be secured if they are on wheels.

A 5-B:C Rated Disposable Fire Extinguisher is required within 20 feet of the generator in a conspicuous location.

Protection. All extension cords and power strips shall be adequately protected from foot traffic.

SIDEWALK CAFÉ AND FIRE AND LIFE SAFETY STANDARD

Restaurant management is responsible for running and operating the outdoor dining area.

All applicable fire codes apply in this document to sidewalk café.

The maximum total number of tables, chairs or other items of furnishings or equipment allowed under any permit shall be consistent with the provisions of the California Building and Fire Code and any other applicable laws.

Awnings providing shelter for outdoor dining areas shall comply with the following:
Frames supporting awnings shall be of noncombustible materials. Awning's cover shall be an approved fire retardant cover for retractable awnings or noncombustible material for fixed awnings.

Lighting Fixtures, if provided, may be permanently affixed onto the exterior front of the primary building.

Table lamps using liquid fuel or candles used in a place of public assembly are not allowed.

Electric Radiant Infrared Heaters- Must be used in compliance to the manufacturers guidelines.
The Electric Radiant Infrared heaters must also be no less than or closer than 10 feet to combustible decorations and combustible overhangs, awnings, sunshades or similar combustible attachments to buildings.
Not permitted inside tents.

Referenced

**NATIONAL FIRE PROTECTION AGENCY
2019 CALIFORNIA FIRE CODE
CALIFORNIA CODE OF REGULATIONS TITLE 24. PART 9
2019 CALIFORNIA BUILDING CODE**

END OF DOCUMENT

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