



## Memorandum

**Date:** May 13, 2020

**To:** **Municipal Building Officials and Fire Marshals**

**From:** Joseph V. Cassidy, P.E., State Building Inspector  
William Abbott, State Fire Marshal

**Subject:** Re-opening of Restaurants for Outdoor Dining

Our offices have been receiving many calls with questions regarding the re-opening of outdoor seating for restaurants on May 20, 2020. The Department of Economic and Community Development has published guidelines to aid owners in the re-opening process, which is included with this advisory. There is a self-certification requirement that is part of the DECD program, so each restaurant should have this certification.

From a building and fire code standpoint, these should be handled no differently than they have in the past. However, we are sure you going to see some very creative ideas which will challenge the limits of the code. These situations will require an equal amount of creativity and common sense to help make sure these areas are safe for patrons and staff without preventing these establishments from operating. We need to keep in mind we are dealing with people who are struggling to keep their businesses going and are reacting in the moment just as we are. So, the key here is facilitation, help them get to a safe arrangement. Here are few specifics items.

1. An occupant load for the establishment shall be determined normally. The owner/manager of the facility is responsible for the maintenance of the reduced capacity of 50% or less of the normal occupancy and the 6' of social distancing requirements.
2. Verify egress is sufficient for occupancy of the outdoor seating area.
3. If tents are erected permits are required only for tents greater than 400 square feet in area (or 700SF if open on all sides). Membrane material should comply regardless of the size of the tent (3103.5.8).
4. If there is temporary heat installed it needs to meet the requirements of the building and fire codes.
5. Accessible seating needs to be provided and an accessible route to the dining area is required.
6. Restrooms need to be provided for guests. The number can be limited based on the occupancy or segregated between staff and customers.

**(Add) 3103.5.5.4.1 Ballast anchoring systems for tents supported only by perimeter poles.** Ballast anchoring systems for tents complying with Section 3103.5.5.4 that are supported only by perimeter poles and do not require X-bracing within the plane of the side walls shall be deemed to comply with the applicable wind requirements providing the following conditions are met:

1. The tent is of a hip roof configuration with an eave height of not more than 8 feet.
2. The Enclosure Classification for the tent shall be Enclosed, Partially Open or Open as defined in Section 26.2 of ASCE 7.
3. The angle between guys and the horizon shall conform to the tent manufacturer's requirements and shall not be less than 45° nor more than 68°.
4. The tent shall not be used when winds are in excess of 35 MPH.
5. An anemometer shall be installed on the tent and the tent shall be provided with signage stating that the tent should be evacuated if winds exceed 35 MPH.
6. An evacuation plan certified by the operator of the tent shall be submitted to the building official as part the permit application.
7. A plan indicating the location of all ballast and weights shall be submitted to the building official as part of the permit application. Ballast shall be calculated by one of the following:
  - a. For ballast systems where the tent poles and ballast are connected using a common base plate or similar means, the weight of the ballast provided at each tent pole,  $P_{ball}$ , shall be not less than the following:

$$P_{ball} = 5wsx \text{ (pounds)}$$

where:

w = width of tent perpendicular to the ridge line (feet)

s = tent post spacing parallel to the ridge (feet)

x = tent exposure factor (1.00 if tent is located in wind Exposure B or Exposure C as defined in Section 1609.4.3; 1.20 if tent is located in wind Exposure D)

- b. For ballast systems where the tent poles and ballast are not connected using a common base plate, the weight of the ballast provided at each tent pole,  $P_{ball}$ , shall be not less than the following:

$$P_{ball} = 6.5wsx \text{ (pounds)}$$