

Office of the Fire Marshal Guidelines for Outdoor Dining During Cold Weather

The Office of the Fire Marshal would like to offer reminders to restaurants and outdoor fitness groups that use temporary tents for their activities during the COVID-19 emergency. On October 20, 2020 the Fairfax County Board of Supervisors updated an [ordinance](#) to temporarily allow outdoor dining and outdoor fitness activities, subject to certain conditions. The ordinance allowed tents to be used without a plan review, under certain conditions.

The ordinance requires that no outdoor dining area, outdoor fitness and exercise area, or associated equipment or activity may obstruct a fire lane or fire equipment, such as fire hydrants and fire department connections; any building entrance or exit or any other area marked or designated for life safety or ADA accessibility; or pedestrian passage on any trail, right-of-way, or sidewalk, without adequate alternative pedestrian passage. Street access must be maintained for fire department vehicular response.

No permit is required for tent(s) less than 900 square feet in area (aggregate area of multiple tents separated by less than 12 feet). Tents larger than 900 square feet require a permit, but the normal fee is waived. The following conditions must also be met:

- Any tent must be located at least 20 feet from any building that is on a separate lot, be securely anchored to prevent collapse or uplift during inclement weather and any tent greater than 900 square feet must be flame resistant with appropriate labeling affixed to the tent material.
- No cooking or open flame is permitted under any tent unless approved by the fire official. One or more heaters are allowed as long as they are listed by a nationally recognized testing laboratory for the use and comply with the requirements of the Statewide Fire Prevention Code. Those requirements include, but are not limited to, that any such heater be maintained at least 10 feet from any tent exit or combustible material.

If the above criteria are met and the tent is open on all sides, there is no plan review required to obtain a tent permit for tents greater than 900 square feet. For tents greater than 900 square feet, if there are deviations from the items in the ordinance, or one or more sides will be added to the tent, a plan review and approval is required. For the COVID-19 emergency, the normal fee will be waived for businesses covered by the temporary ordinance. Guidance on submitting an application for a tent permit can be found [here](#). To apply for a tent permit, the steps below outline the process:

1. General guidance on permits can be found [here](#).
 - a. Once on that page, under **Custom FPCP Applications** click on **Tents and Temporary Membrane Structures**.
 2. If you would like to go directly to the tent permit application, you can click [here](#).
 3. The application can be submitted by email to Fire.RevenuePermits@fairfaxcounty.gov.
 4. Once your application and any plans have been reviewed, you will receive an email regarding the status of your plans.
 - a. If your plans were approved, you will need to schedule an inspection by calling 703.246.4849.
 - b. If the plans were not approved, you will receive written comments on the items that will need to be revised.
- Approval of a temporary tent or membrane structure is finalized through a site inspection, which must be approved prior to the use and/or occupancy of the tent.



The Office of the Fire Marshal recognizes outdoor dining will continue in the cold weather and offers the following guidance:

- The [Health Department](#) (703-3246-2411, TTY 711) can provide additional guidance on occupancy of tents and compliance with the [governor's Executive Orders](#).
- Liquified propane gas containers must be separated from the tent by a minimum of 10 feet and protected from tampering. A permit is required from the Office of the Fire Marshal when more than 10 gallons of propane is in use or storage. There will be no fee for businesses covered by the Outdoor Dining Ordinance. A permit application can be found [here](#).
- Generators must be separated from the tent by a minimum of 20 feet. Use of a generator over 6500 watts requires a separate permit from Fairfax County [Land Development Services](#), 703-222-0801, TTY 711.
- Please see the general [tent guidelines](#) for additional information.
- Smoking is not allowed inside tents.
- Heaters must be UL listed for the application being used and staff must understand the recommended safety precautions. Additional heater guidance is provided [here](#).
- Tents, generators, and heaters that are not designed for snow loads should be removed prior to predicted snow events.

There are many more guidelines contained in the [Virginia Statewide Fire Prevention Code](#) that address specific installations. Not all situations can be covered in this summary document.

For questions regarding this guidance, please contact the Office of the Fire Marshal at 703-246-4800, TTY 711 or by email at Fire.Prevention@fairfaxcounty.gov.