



**NASSAU COUNTY FIRE COMMISSION
OFFICE OF THE FIRE MARSHAL**

Nassau County Public Safety Center
1194 Prospect Avenue, 2nd Floor
Westbury, New York 11590
(516) 573-9900 / nassaucountyny.gov

**Michael F. Uttaro
Chief Fire Marshal**

FIRE MARSHAL BULLETIN

Friday, June 2, 2023

Canopy, Tent, and LPG Outdoor Patio Heater Requirements

To: Nassau County Fire Departments, Town / City / Village Building Departments, Business and Property Owners

Definitions:

Canopy – A structure, enclosure or shelter constructed of fabric or pliable materials supported by any manner, except by air or the contents it protects, and is without sidewalls or drops on seventy-five (75) percent or more of the perimeter.

Tent – A structure, enclosure, or shelter, with or without sidewalls or drops, constructed of fabric or pliable material supported by any manner, except by air or the contents it protects.

LPG – Liquefied Petroleum Gas, commonly known as propane.

The following will be the Nassau County Fire Marshal's Office policy regarding the requirements for tent or membrane structure use including the use of LPG Outdoor Patio Heaters, cooking equipment and any other LPG use; this shall apply to new and existing locations utilizing this equipment:

Nassau County Fire Prevention Ordinance:

Section 14.8.1 - requires that a permit be obtained for any tent or membrane structure more than 200 square feet and any canopy that is more than 400 square feet.

Section 14.8.2 - requires any tent, canopy or membrane structure where cooking is performed within the tent, canopy or membrane structure shall require a permit regardless of size, except those tent used exclusively for recreational camping purposes occupied by the tent owner and/or the tent owners' family.

2020 Fire Code of NYS Chapter 31: Tents, Temporary Special Event Structures and Other Membrane Structures (tents, canopies)

3103.2 Approval: Temporary special events structures more than 400 square feet shall not be erected, operated, or maintained for any purpose without first obtaining approval and a permit from the Fire Code Official (Nassau County Fire Marshal) and the (Building Official) Local Town, Village or City).

3103.12 Means of Egress: Means of egress for temporary tents, canopies and membrane structures shall be in accordance with this section.

3103.12.2 Number of Exits: Tents, canopies and membrane structures or a usable portion thereof shall not have less than one exit and not less than the number of exits required by Table 3103.12.2. Tents and membrane structures with an occupant load of less than 199 persons shall have no less than 2 exits.

3103.12.3 Exit openings from tents: Exit openings from tents shall remain open unless covered with a flame-resistant curtain. Curtains shall be free sliding on a metal support and be no less than 80 inches from floor level at the exit and be arranged so that no part of the curtain obstructs the exit. Curtains shall be of a color or colors that contrast with the color of the tent.

3103.12.5 / 3103.12.5.1 Aisles/Arrangement of Aisles: Smooth surface unobstructed aisles having a minimum width of not less than 44 inches shall be provided from the seating areas. The arrangement of aisles shall be subject to the approval of the fire code official and shall be maintained clear at all times during occupancy.

3103.12.6 Exit Signs: Exits shall be clearly marked. Exit signs shall be installed at required exits doorways and where otherwise necessary to indicate the direction of egress where the exit serves 50 or more occupants.

- 3106.4.5 Smoking:** Smoking shall not be permitted in tents, canopies, or membrane structures. Approved NO SMOKING signs shall be conspicuously posted in accordance with section 310.
- 3107.4 Open or exposed flame:** Open flame or other devices emitting flame, fire or heat or any flammable or combustible liquids, gas, charcoal or other cooking device or any other unapproved devices shall not be permitted inside or located within twenty (20) feet of the tent, canopy or membrane structures while open to the public.
- 3107.5 Fireworks:** Fireworks shall not be used within 100 feet of any tent or membrane structure.
- 3107.9 Portable Fire Extinguishers:** Approved portable fire extinguishers shall be provided. The distance of travel to any extinguisher shall not exceed 75 feet in any direction. Additional portable extinguishers are required where cooking and/or cooking equipment and LPG is stored and or in use.
- 3107.12.3 Location:** (LPG) Cooking and heating equipment shall not be located within 10 feet of exits or combustible materials.
- 3107.12.5 Cooking tents:** Tents with sidewalls or drops where cooking is performed shall be separated from other tents, canopies, or membrane structures by not less than 20 feet.
- 3107.12.6 Outdoor cooking:** Outdoor cooking that produces sparks or grease laden vapors shall not be performed within 20 feet of a tent, canopy, or membrane structure.
- 3107.13.2 Location of containers:** LP-gas containers shall be located outside. Safety release valves shall be pointed away from tent or structure.
- 3107.13.3 Protection and security:** Portable LP gas containers, tanks, piping and valves that are located outside and are being used to fuel equipment inside a tent, canopy or membrane structure shall be adequately protected to prevent tampering, damage by vehicles or other hazards and shall be located in an approved location. Portable LP containers shall be secured against unauthorized movement.
- 3107.16 Separation of generators:** Generators and other internal combustion power sources shall be separated from tents, canopies, and membrane structures by not less than 20 feet and shall be isolated from contact with the public by fencing, enclosure, or other approved means.

LPG use relating to the heating of tents and canopies:

Fire Code of NYS

Section 603.4.2.1.1 Prohibited locations: The storage or use of portable outdoor gas-fired heating appliances is prohibited inside any tents, canopies, and membrane structures.

Nassau County Fire Prevention Ordinance:

Section: 6.5.5.1 No container of Liquefied Petroleum Gas either in use or in storage will be permitted inside or on the roof or balcony of any occupied building or in or on any construction attached to an occupied building. Except as permitted by U.S. Department of Transportation, specification cylinders with a maximum water capacity of 2-1/2 pounds, used with completely self-contained hand torches and similar applications, may be stored or displayed in a building frequented by the public. The aggregate quantity of Liquefied Petroleum Gas shall not exceed two hundred (200) pounds.

Section: 6.5.5.3 Storage of containers must be outside of the building, at least twenty-five (25) feet from any building. Storage to be either a noncombustible, top and bottom vented structure, or surrounded by a substantial metal fence enclosure. Such enclosure shall be adequately secured against access by unauthorized persons.

Nassau County Fire Marshal's Office requires that **Outdoor Patio Heaters utilizing LPG (propane) as its fuel source shall not be operated under any tent, canopy or membrane structure that is open to the public.** These LPG patio heaters shall not be located within ten (10) feet of exits or combustible materials and shall not be operated on any combustible construction, balconies or decks attached to an occupied structure.