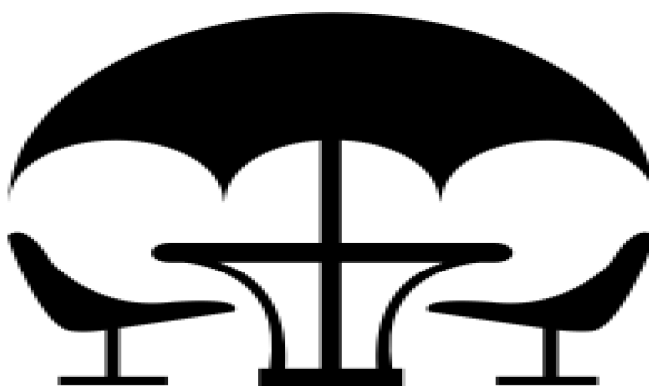




**CITY MANAGER
EXECUTIVE ORDER 2024 - 01
OUTDOOR DINING & BAR OPERATIONS**



March 1, 2024

A handwritten signature in black ink, appearing to read "Tim Gleason".

Tim Gleason, City Manager

§ 23.1.1 AUTHORITY

This executive order is issued pursuant to Chapter 38, Section 78(C) of the City Code.

§ 23.1.2 BACKGROUND

To help provide safer dining options as a result of the COVID-19 pandemic, the City streamlined its process for allowing off-premises dining using its emergency powers. Although the City Council recently repealed its emergency ordinance, the City Council adopted a companion ordinance that amended the City Code to allow the City Manager to establish, by written executive order, guidelines and provisions that allow outdoor dining inconsistent with the City's standard approval process. The rules and permitting processes set forth here apply to outdoor seating areas within the public rights-of-way (sidewalks, green spaces, alleys, parking spaces, parking lots, etc.) along the business' frontage.

§ 23.1.3 ADOPTION OF RULES FOR NEW OUTDOOR SERVICE OPERATIONS; RENEWALS

- A. Effective May 1, 2024, the Outdoor Dining & Bar Operations Rules, attached as Exhibit A, shall apply to establishments providing regulated outdoor dining and/or bar service. Any applicable fees shall be waived. In order to operate an outdoor service area, the application and agreement, attached as Exhibit B, and a floor plan of the proposed outdoor service area (hand-drawn plans will be acceptable) must be submitted and approved by the City Manager, or designee, prior to the opening any off-premises outdoor service area.
- B. All Establishments must comply with all ADA requirements and sign the City's Accessibility Acknowledgment Notice, included in Exhibit B.
- C. Establishments wishing to receive an Outdoor Dining & Service Agreement with the City may apply by completing the Outdoor Dining & Service application located at the top of the City's website (www.bloomingtonil.gov) and signing the City's Accessibility Acknowledgment Notice.
- D. Any establishment utilizing outdoor heating must comply with the City's Temporary Outdoor Heating Guidelines attached as Exhibit C.
- E. Any establishment utilizing tents must comply with the City's Tent/Membrane Structure Checklist, attached as Exhibit D.
- F. Penalties for violating the Outdoor Dining & Bar Operations Rules shall be as set forth in the section on Violation Enforcement in Exhibit A, which is incorporated herein as if fully stated.

§ 23.1.4 NOISE RESTRICTIONS

Music may be played until 10:00 p.m., provided it does not disturb neighboring residences or businesses and does not violate the noise ordinance of the City of Bloomington located in Chapter 28, Section 107 of the Bloomington City Code. Music shall cease after 10:00 p.m.

§ 23.1.5 CLOSING TIMES OF OUTDOOR SERVICE AREAS

All outdoor service areas must close at 10:30 p.m. Sunday through Thursday and midnight on Fridays and Saturdays. It is the sole responsibility of the business owner (permit holder) to enforce closure times including prohibiting loitering in outdoor areas. The City Manager, through written approval, reserves the right to amend times depending upon circumstances.

§ 23.1.6 EFFECTIVENESS

This City Manager Executive Order # 2024 - 01 shall be effective May 1, 2024, through October 31, 2024, unless repealed or amended further by the City Manager.



EXHIBIT A

OUTDOOR DINING & BAR OPERATIONS PERMIT APPLICATION

Prior to completing this application, the applicant must review Executive Order 2024 - 01 and the Outdoor Dining & Bar Operations Rules.

Applicant Business and Contact Information (Please fill in all information completely):

Legal Entity Name (Corp, LLC, LLP, etc.)	
Assumed/Doing Business As (DBA) Name*	

**Requires Proof of Registration w/ with McLean County or State of IL*

Establishment Address	
City, State, & Zip Code	
Establishment Phone Number*	

**Must be local business' number, not business office*

Legal Entity Address	
City, State & Zip Code	

*Email Address for ALL City Communication:	
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**All City communication related to this application and/or the resulting license, if approved, will be sent via email to the email listed above. It is the sole responsibility of the entity to notify the City of any changes to said email or information in this application.*

NOTE: If the applicant has an existing license with the City Clerk Department, only one email address is accepted per account.

***Local McLean County 24/7 Emergency Contact Information:**

Full Name	
Title or Relationship to Establishment	
Personal Address (must be in McLean County)	
City	, Illinois
Cell Phone Number	

***Primary Licensing Contact Information:**

Full Name	
Address	
City, State & Zip Code	
Phone Number	

Legal Agent Information (if applicable):

Full Name	
Address	
City, State & Zip Code	
Phone Number	



Permit Options for Dining Area:

Check the applicable box that corresponds to the requested dining area:

- Sidewalk Only
- Private Property
- City Street/Parking Space(s) Only
- Sidewalk & City Street/Parking Spot(s)

Specifics:

- Y N Is the Establishment seeking renewal of an existing Outdoor Dining & Bar Operations permit?
- Y N If the Establishment maintains a City liquor license, does the Establishment intend to serve liquor in the proposed outdoor space?
- Y N Does the Establishment intend to erect a tent or other accessory structure in the proposed outdoor space? **NOTE: A tent less than 120 sq ft. does not require a tent permit. All tents shall comply with the requirements of the International Building Code Section 3103 and International Fire Code Chapter 31. If yes, please complete the following:**

Tent Contractor Name			
Contractor Phone Number			
Tent Size			
Install Date		Removal Date	

- Y N Has the Applicant Establishment been denied or revoked this permit within the past 12 months? If yes, please provide details:

- Y N Has the Applicant Establishment received any violations within the past 12 months? If yes, please provide details:

Additional Information:

If applicable, please include any additional information significant to this application:

**EXHIBIT B****OUTDOOR DINING & BAR OPERATIONS GENERAL RULES**

1. Outdoor seating areas shall be allowed within public rights-of-way (sidewalks, green spaces, alleys, parking spaces, parking lots, etc.) along the business' frontage. Establishments may expand Outdoor Dining & Bar Operations in front of neighboring businesses or to other areas with written permission from immediately adjacent property/business owners or the City of Bloomington.
2. The permit period for Outdoor Dining & Bar Operations, including Sidewalk Café, shall be **May 1, 2024, to October 31, 2024**. Operation of any City sidewalk or other right-of-way for Outdoor Service shall be prohibited outside of the permit period. Please note, the City of Bloomington may terminate any temporary outdoor seating permit if it determines that a business is in violation, or if it is in the City's best interest to do so. Outdoor Dining & Bar Operations applications will be accepted as early as March 1, 2024, but no permits shall be effective earlier than May 1, 2024.
3. Outdoor seating areas must comply with any and all applicable requirements of the Americans with Disabilities Act ("ADA") and execute an Accessibility Acknowledgement Notice that they are aware of the requirements and are in compliance. More information on ADA compliance and requirements can be found on the City's website at www.cityblm.org/ada. It should be noted these are minimum requirements, and the City encourages all establishments to pursue even greater accessibility for patrons. The City reserves the right to require participating establishments to provide a plan demonstrating ADA Compliance for all areas considered for permitting. Establishments that desire to do more and/or that have questions on compliance should contact Michael Hurt, Chief Diversity & Inclusion Officer at (309) 434-2468.
4. Establishments must create physical boundaries for outdoor seating areas and avoid creating conflict points between pedestrians and vehicles. Examples include caution tape, planters, parking blocks, etc. If the use of city-owned barriers is required, establishments are not permitted to hang or affix items to said barriers.
5. Areas may not block handicapped parking spaces, fire lanes, hydrants, or sprinkler system connections and must leave at least 6 feet of passable distance if established on sidewalks.
6. Outdoor seating areas shall be located at least one parking spot from a corner or protected by a concrete barrier, sidewalk bulb-out, or other similar feature if located at the corner. All City-placed barriers must not be moved or adjusted by the Establishment. Moving said barriers may result in revocation of the Establishment's permit.
7. Outdoor Dining & Bar Operations area is restricted to table seating. Standing room only is not permitted.
8. Establishments shall be responsible for providing adequate trash, litter, and refuse disposal in and around the expanded area.
9. Indoor restroom access must be provided to customers. Appropriate spacing for waiting and ordering and an accessible route from outdoor eating areas to restrooms shall be created.



10. If constructed, the Outdoor Dining & Bar Operations area decking must be flush with the curb and may not have more than ½” gap from the curb. If decking is installed, a minimum 36” ADA-accessible entryway to the parklet must be maintained for all parklets. Decking must be constructed of durable material capable of withstanding weather elements. Deck installation shall not damage the sidewalk, street, curb, or any aspect of the public right-of-way.
11. Establishments may only use **unbranded tents** which shall be allowed upon approval by the City of Bloomington.
12. Initial Voluntary Compliance Check. Upon Initial setup, all permitted establishments will receive one compliance check at the beginning of the permit period. The establishment shall have 15 days to make adjustments to bring the Outdoor Dining & Bar Operations area into compliance. If found not in compliance after 15 days, the establishment will be considered in violation.
13. Music may be played until 10:00 p.m., provided it does not disturb neighboring residences or businesses and does not violate the noise ordinance of the City of Bloomington located in Chapter 28, Section 107 of the Bloomington City Code. Music shall cease after 10:00 p.m.
14. **Outdoor seating areas must close to the public by 10:30 p.m. every day.** When closed (no later than 10:30 p.m.), dining areas must be cordoned off and disabled for use by the public. Disabled is defined as stowing away, covering, chaining, and/or storing tables, chairs, picnic tables, and other seating to prohibit congregating by the public. Proper cleaning of the dining area and adjacent areas is also required. The City reserves the right to amend times depending upon circumstances.
15. Establishments with liquor licenses may serve alcohol in the temporary seating area after approval of an Outdoor Dining & Bar Operations Permit by the City Clerk and subject to rules approved by the Local Liquor Commission. Any liquor licensee violating a provision of these rules, or the City Liquor Code may have its ability to serve liquor suspended or revoked for the temporary seating area.
16. Open alcohol may not be removed from the temporary seating area. **Open alcohol on public property is prohibited by law.** It is the establishment’s responsibility to ensure that no alcohol is removed from the Outdoor Dining & Bar Operations area. Any establishment found in violation hereof may be cited and sanctioned under Chapter 6 Section 37E of the City Code and subject to having its Outdoor Dining & Bar Operations Permit suspended or revoked.
17. Off-premises cooking, bartending, or buffets outside shall not be allowed. Smoking is likewise prohibited.
18. The permittee must agree to indemnify and defend the City of Bloomington against any loss or claim from any third party resulting in any way from the permittee’s establishment or operation of a temporary outdoor seating area. The permittee must also have adequate liability insurance coverage for its establishment and operation of the temporary outdoor seating area naming the City of Bloomington as an additional insured. Proof of said insurance must be kept on file and up to date with the City Clerk.



I, _____, swear or affirm that:

1. I am authorized to sign as an owner, officer, or authorized agent, of the above-listed establishment; and
2. I declare that I have read and understand the Outdoor Dining & Bar Operations General Rules.

Initials

ACCESSIBILITY ACKNOWLEDGMENT NOTICE

By execution of this Accessibility Acknowledgment Notice (“Notice”), I acknowledge and agree that I have read and been informed about the content, requirements, and expectations of Americans with Disabilities Act (“ADA”) compliance related to the provision of my outdoor dining and/or bar operations. I acknowledge that The City reserves the right to require participating establishments to provide a plan demonstrating ADA Compliance for all areas considered for permitting. Specifically, I acknowledge and agree that outdoor seating areas must comply with any and all applicable requirements of the ADA. As a result, I acknowledge and agree that I must have accessible tables and routes for my establishment’s outdoor guests and patrons. This specifically includes:

ADA Restaurant Requirements

Accessibility issues for disabled persons can take the form of architectural barriers or communication barriers. Businesses open to the public must address both of these components to provide reasonable accommodations.

1. **Communication** - Some examples of what communication accessibility looks like for the hospitality industry include:
 - a. **Braille and Large Print Menus:** Restaurants can offer menus in Braille and large print formats to cater to customers with visual impairments. A Braille menu allows vision-impaired customers to enjoy the dining experience independently. ***But, if you don't have this type of menu available, servers should be prepared to assist their customers by reading the menu to them.***
 - b. **Sign Language Interpretation:** Restaurants should be prepared to provide sign language interpretation services for customers who are deaf or hard of hearing. This can be done by hiring professional sign language interpreters or using video relay services. By offering sign language interpretation, restaurants can facilitate effective communication between staff and customers, ensuring that everyone can understand and be understood. ***A reasonable accommodation would be to train your staff to communicate with hearing-impaired customers by writing notes.***
 - c. **Communication Apps:** Mobile apps offer an economical method to assist individuals with hearing or visual impairments. These communication apps are



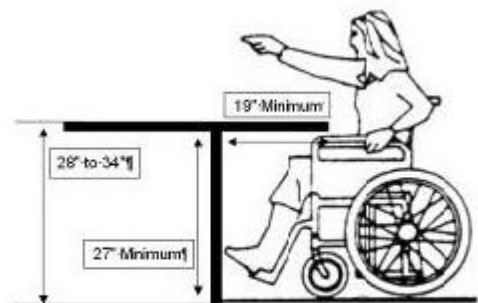
designed to convert speech to text, allowing individuals with hearing impairments to read what others are saying in real time. There are also text-to-speech apps that can convert written information into audible speech for individuals with visual impairments. By making these tools available, restaurants can facilitate effective communication between staff and customers with disabilities.

- d. **Proper Training:** Training your server staff to be alert and attentive to the needs of persons with disabilities is one of the most important things you can do to welcome all guests to your establishment.
2. **Parking Accessibility** - Your parking lot should be built and maintained to provide equal access for individuals with disabilities. Here are the key compliance requirements for parking lots according to the ADA:
 - a. **Accessible Parking Spaces:** Per the ADA, one accessible parking space is required for every 25 spaces. Accessible parking spaces should be marked with signs and located as close as possible to the accessible entrance of the restaurant. Small businesses with four or fewer spaces must provide at least one accessible parking space but are exempt from the signage requirement.
 - b. **Size and Dimensions:** The minimum width for an accessible parking space is 8 feet, while the minimum width for a van-accessible space is 11 feet. The space should also have a minimum length of 18 feet to accommodate vehicles with wheelchair lifts or ramps. Access aisles adjacent to accessible spaces should be at least 5 feet wide to provide sufficient space for individuals using mobility devices.
 - c. **Accessible Route:** The route between an accessible parking space and the entrance of the building should be a quick, easy path. It should be free of obstacles and barriers, such as curbs or steps, and should be at least 36 inches wide to accommodate wheelchair users. A firm and stable surface ensures a smooth passage for individuals with mobility impairments.
 - d. **Slope and Cross Slope:** According to the 2010 ADA Standards, parking lots must have a slope no steeper than 1:48 (or 2.08%) in all directions. This means that for every inch of rise, there must be at least 48 inches of run. This requirement applies to accessible parking spaces, accessible routes to and from the parking spaces, and accessible routes to the building entrance.
 - e. **Signage and Markings:** Accessible parking spaces should be marked with the International Symbol of Accessibility (ISA) and the words "van-accessible" if applicable. Signage should be placed at a height of at least 60 inches to ensure visibility. The parking lot should also have proper markings, such as crosswalks and curb ramps, to guide individuals with disabilities and make the parking lot more accessible.
 3. **Entrance Ramps** - For individuals with mobility impairments, steps and stairs can pose significant challenges when trying to enter a restaurant. Entrance ramps eliminate these obstacles by providing a smooth and gradual slope that allows individuals using wheelchairs, walkers, or other mobility aids to enter the establishment effortlessly. By installing entrance ramps, restaurants can eliminate physical barriers and create a welcoming environment for all customers.
 - a. **Slope:** Entrance ramps must have a maximum slope of 1:12. This means that for every inch of rise, there should be no more than 12 inches of ramp length. This



slope ensures that individuals with mobility aids, such as wheelchairs or walkers, can safely navigate the ramp without encountering excessive difficulty or risk of tipping over.

- b. **Width:** Entrance ramps should have a minimum width of 36 inches. This width allows individuals using mobility aids to comfortably maneuver up and down the ramp. It also provides enough space for two people to pass each other, promoting a smooth flow of foot traffic.
 - c. **Handrails:** Handrails are a crucial component of entrance ramps. According to ADA guidelines, ramps with a rise greater than 6 inches or a horizontal projection greater than 72 inches must have handrails on both sides. The height of the handrails should be between 34 and 38 inches, and they should extend at least 12 inches beyond the top and bottom of the ramp.
 - d. **Landings:** Landings are platforms located at the top and bottom of the ramp, plus any intermediate points where the ramp changes direction. These platforms provide a resting place for individuals using mobility aids and ensure a smooth transition between the ramp and the adjacent surface. The minimum landing size must be 60 inches long and at least as wide as the ramp. Any change in direction should have a landing of at least 60 inches by 60 inches.
4. **Accessible Doorways** - To help all your guests navigate your business safely, there are some ADA requirements related specifically to doorways. Familiarize yourself with these doorway accessibility rules:
- a. **Number of Doors:** Businesses open to the public must have at least one accessible entrance.
 - b. **Width:** The ADA requires that doorways have a minimum clear width of 32 inches. This width ensures that individuals using mobility aids, such as wheelchairs or walkers, can comfortably navigate through the entrance without any obstructions.
 - c. **Thresholds:** The threshold is a connecting piece of floor material at the bottom of the doorway. These strips of material can cause an issue for mobility devices or even become a trip hazard. To stay ADA compliant, thresholds should be level or have a maximum height of 1/2 inch.
 - d. **Door Hardware:** Door handles or pulls should be easy to grasp and operate with one hand, without tight grasping, pinching, or twisting of the wrist. Lever handles are often preferred because they are easier to operate for individuals with limited hand strength or dexterity.
5. **Opening Force:** *The force required to open an exterior door should not exceed 8 pounds.* This ensures that individuals with limited upper body strength or mobility can easily access the restaurant without struggling to open heavy doors.
- a. **Dining Room Seating** - ADA requirements for tables and seating allow individuals with disabilities to dine with their friends and family in a comfortable and inclusive environment, without feeling excluded or



THIS DIAGRAM SHOWS A COMPLIANT TABLE



limited by physical barriers. Your restaurant layout should be designed with accessibility in mind.

- b. **Accessible tables:** At least 5% of the tables, or at least 1 if less than 20 are provided, must be accessible and accommodate people using wheelchairs if doing so is readily achievable. Movable chairs can be used for these tables with chairs removed when people using wheelchairs use the table(s).
 - c. **Location of accessible tables:** Accessible surfaces where required shall be dispersed throughout the dining spaces and not clustered in a single area. If not readily achievable, services must be provided in another accessible location available to all customers. This means that accessible tables must be provided in the Outdoor Dining & Bar Operations area (i.e., on the street or sidewalk).
 - d. **Clear Floor Space:** The ADA mandates that restaurants must provide clear floor space at each dining table to accommodate individuals who use wheelchairs or mobility devices. This clear floor space should have a minimum width of 30 inches and a minimum depth of 48 inches. It allows individuals to easily maneuver their wheelchairs and transfer to and from the table.
 - e. **Table Height:** To ensure accessibility, the ADA specifies that at least 5% of the dining surfaces in a restaurant must have a height between 28 inches and 34 inches. This range accommodates individuals who use wheelchairs or have limited mobility, allowing them to comfortably sit at the table and dine without any obstructions.
 - f. **Aisles and Pathways:** Restaurants must maintain clear aisles and pathways throughout the dining area. The ADA specifies that these pathways should have a minimum width of 36 inches.
6. **Wheelchair-Accessible Routes:** Restaurants should provide wheelchair-accessible routes from the entrance to the dining area and throughout the establishment. These routes should be wide enough to accommodate wheelchairs and should not have any steps or barriers that impede accessibility. In addition, any ramps or slopes present should meet specific ADA requirements to ensure safe and convenient access.
7. **Accessible Restrooms** - An ADA-compliant restroom provides equal access to individuals with disabilities and allows them to use the facility independently. These are some of the standards outlined by the ADA:
- a. **Restroom Stalls:** Restrooms should provide at least one accessible bathroom stall, with a minimum width of 60 inches and a depth of 56 inches. The door to the stall must be at least 32 inches wide and equipped with a handle that can be easily operated with one hand.
 - b. **Toilet Fixtures:** Accessible stalls should be equipped with toilet seats that are at a height of 17 to 19 inches from the floor. They should provide grab bars on both sides of the toilet that are mounted at a height of 33 to 36 inches above the floor and extend at least 54 inches in length.
 - c. **Bathroom Sinks:** The rim of a bathroom sink should be no higher than 34 inches from the floor. The sink should also have clear knee space underneath, with a minimum height of 27 inches.

More information on ADA compliance and requirements can be found on the City's website at www.cityblm.org/ada



I, _____, swear or affirm that:

1. I am authorized to sign as an owner, officer, or authorized agent, of the above-listed establishment;
2. Due to the very minimum and basic requirements outlined above, I acknowledge these are readily achievable and will advise the City, in writing, of any requirement
3. that is not readily achievable for my establishment including a detailed explanation of why such requirement cannot be achieved;
4. I acknowledge my Outdoor Dining & Bar Operations Permit may be revoked for failure to abide by the ADA requirements and standards; and
5. I acknowledge these are minimum accessibility requirements, and that the City encourages all establishments to pursue even greater accessibility for patrons. I further acknowledge I have been given the contact information for Michael Hurt, Chief Diversity & Inclusion Officer at (309) 434-2468, for whom to contact if I have questions or want to discuss increasing accessibility for patrons beyond the minimum requirements.

Initials

SUBMISSION:

In order for this application to be considered, Applicants must include the following **at the time of submission:**

1. If Applicant will use a different name with the public than the name of the legal entity, proof of the DBA/ Assumed Name is registered with the State of Illinois or the County of McLean
 - a. If this documentation is already on file, please upload a sheet indicating so.
2. Floor Plan of the proposed outdoor service area (*hand-drawn plans will be acceptable*)
 - a. **If in Downtown Bloomington**, please reach out to the Economic and Community Development Department for additional assistance with a floor plan that includes public right of way.
3. Certificate of Insurance (*Not Policy Declaration Page*). The certificate must show the establishment has liquor liability insurance and must include the following:
 - i. Applicant's name as the insured (e.g. if the applicant is a corporation, the corporation's name must be listed);
 - ii. The address of the location where the liquor is being consumed;
 - iii. The dates of coverage and the coverage limits;
 - iv. List the City of Bloomington, 115 E. Washington St., Bloomington, IL 61701 as the Certificate Holder and Additional Insured; and
 - v. State that the outdoor dining area is insured.



Information not required for submission, but required to be considered for approval:

1. Legal Entity (if applicable) must be in good standing with the State of IL

Once the application is submitted, a review of the application and supporting documents will begin. If any documentation is missing or incorrect, the application will be sent back to the Applicant and the review will start back over once all required documents have been submitted. Applications are reviewed on a first-come, first-served basis. Incomplete applications will not be given review preference.

FINAL ACKNOWLEDGMENT

In consideration of being issued an Outdoor Dining & Bar Operations Permit to conduct off-premises services, the undersigned Establishment (also referred to as "Permittee") agrees:

1. To abide by Executive Order # 2024 - 01 Outdoor Dining & Bar Operations and its applicable Exhibits, the City of Bloomington ("City") Outdoor Dining & Bar Operations General Rules ("Rules"), and all other applicable laws. Failure to comply may result in suspension or revocation of its Outdoor Dining & Bar Operations Permit and/or other applicable citations or violations
2. To attach a floor plan of the proposed Outdoor Dining & Bar Operations area (hand-drawn plans acceptable) to this application, which the Permittee agrees to maintain while providing off-premise services. The floor plan must demonstrate physical boundaries, as required by the Rules, that will be used for the Outdoor Dining & Bar Operations area;
3. In accordance with this application and agreement, the Permittee will indemnify and defend the City of Bloomington against any loss or claim from any third party resulting in any way from the Permittee's establishment or operation of an Outdoor Dining & Bar Operations area;
4. To provide adequate liability insurance coverage for the establishment and operation of the Outdoor Dining & Bar Operations area naming the City of Bloomington as an additional insured. Proof of said insurance must be kept on file and up to date with the City Clerk;
5. To maintain compliance with ADA Standards, including those specifically identified in the Rules, have executed the Accessibility Acknowledgement Notice, and understand any non-compliance of the aforementioned, will cause the Outdoor Dining & Bar Operations Permit to be revoked, and continued operation shall cause the business entity to be in violation of the City Code for operating without an Outdoor Dining & Bar Operations Permit; and
6. The Outdoor Dining & Bar Operations area shall continue only through October 31, 2024, unless earlier terminated by the City.

I, the undersigned, swear or affirm that:

1. I am authorized to sign as an owner, officer, or authorized agent, of the above-listed establishment;



2. I declare that all the information included in this application, and any attachment hereto, is true and accurate to the best of my information, knowledge, and belief;
3. All applicants of the establishment are qualified and eligible to obtain the license applied for; and

4. I have read and understand the requirements of this permit.

Name of Authorized Agent

Title of Authorized Agent

Signature of Authorized Agent

Date Signed

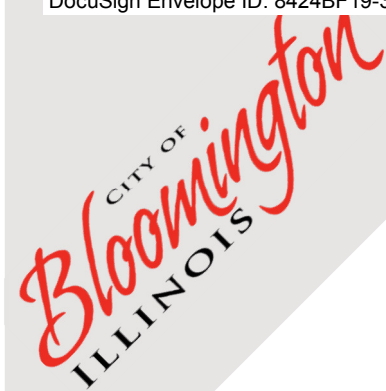


Community Development
BUILDING SAFETY DIVISION
115 E. Washington St., PO BOX 3157
Bloomington, IL 61702-3157
Phone: 309-434-2226

Tent/ Membrane Structure Check List

- Tent Size- What is the total square footage of the tent/membrane structure? Is it over 400 square feet?
- Use period- how many days will this tent/membrane structure be erected?
 - a) Shall not be erected for more than 180 days in a 12 month period.
- Is the occupant load 50 or more persons for the tent/membrane structure?
 - a) If occupant load is 50 or more persons, a detailed site and floor plan for tents/membrane structures shall be provided with each application for approval. The floor plan shall indicate details of the means of egress, seating capacity, arrangement of seating and location and types of heating and electrical equipment. The documents shall include analysis of structural stability.
- Location- Tents or membrane structures shall not be located within 20 feet of lot lines, buildings, other tents or membrane structures, parked vehicles or internal combustion engines.
 - a) Exceptions for separation distance between tent structures if not used in cooking and floor area of structure does not exceed 15,000 square feet.
 - b) Exceptions for separation from buildings if all of the following are met:
 1. Floor area does not exceed 10,000 square feet.
 2. Floor area of the building and tent structure shall not exceed the allowable floor area including increases as indicated in the International Building Code.
 3. Required means of egress are provided for both the building and the tent/membrane structure including travel distance.
 4. Fire apparatus access roads are provided in accordance with Section 503 of International Fire Code.
- Structural Stability/Anchorage- Has the tent/membrane structure been designed and installed to withstand the elements of weather and prevent collapsing? Documentation shall be provided to fire code official.
- Means of Egress- Has the minimal required means of egress been established?
 - a) At least one means of egress shall be established and maintained for tent/membrane structures with an occupancy load of less than 10 persons.
 - b) At least two means of egress shall be established and maintained for tent/membrane structures with an occupancy load of more than 10 persons to 199 persons.
 - c) Minimal width of means of egress shall be not less than 36 inches for membrane structures and 72 inches for tent structures.
 - d) Exit signs shall be provided for tent/membrane structures with occupancy loads of 50 or more persons.

- e) Means of egress illumination- Means of egress shall be illuminated with light having an intensity of not less than one 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.
- f) 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 8 feet. The surface of means of egress shall be maintained in an approved manner.
- Flame propagation performance treatment- Does the tent/membrane structure meet compliance with NFPA 701 of Test Method 2?
 - a) A certificate/documentation submitted that indicates the tent/membrane structure to include sidewalls, tarps, and drops are composed of materials meeting the flame propagation performance of Test method 2 of NFPA 701. This documentation shall attest to the following:
 1. Names and address of owners of the tent/membrane structure.
 2. Date the fabric was last treated with flame retardant solution.
 3. Trade name or kind of chemical used in treatment.
 4. Name of person or firm treating the material.
 5. Name of testing agency and test standard by which the fabric was tested.
 - b) Label- Tent/membrane structures shall have a permanently affixed label bearing the identification of size and fabric or material type.
- Heating- Temporary heating shall comply with code references that are addressed in Temporary Heating Guidelines.
- Electrical- Electrical equipment and wiring shall comply with NFPA 70.
- Combustible materials- Hay, straw, shavings or similar combustible materials shall be located with any tent, or membrane structure containing an assembly occupancy.
- Smoking- Smoking shall not be permitted in tents or membrane structures. Approved "No Smoking" signs shall be conspicuously posted.
- 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 20 feet of the tent or membrane structures while open to the public unless approved by the fire code official.
- Fireworks- Fireworks shall not be used within 100 feet of tents or membrane structures.
- Fire Extinguishers- Approved portable fire extinguishers complying with the fire code shall be provided and placed in locations as required by the fire code official.
- Flammable/combustible liquid storage- Shall be stored outside not less than 50 feet from tents/membrane structures in an approved manner. Shall meet storage requirements in Chapter 57 of fire code.
 - A) Refueling- Shall be performed in an approved location not less than 20 feet from tents/membrane structures.



TEMPORARY OUTDOOR HEATING GUIDELINES

PORTABLE OUTDOOR GAS-FIRED HEATERS (PATIO HEATERS)

Section 603.4.2 of the Fire Code specifically regulates portable outdoor gas-fired heating appliances, commonly known as patio heaters.

Appliance Location Restrictions

• 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:

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

• Proximity to Exits

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

Installation and Operational Requirements

In accordance with Section 603.4.2.2 of the Fire Prevention Code, portable outdoor gas-fired heating appliances shall be installed and operated in accordance with the following regulations:

- **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.

Fuel Gas Containers

In accordance with Section 603.4.2.3 of the Fire Prevention Code, fuel gas containers for portable outdoor gas-fired heating appliances shall comply with the following:

- **Approved Containers**

Only approved DOTn or ASME gas containers shall be used.

- **Container Replacement Restriction**

Replacement of fuel gas containers in portable outdoor gas-fired heating appliances shall not be conducted while the public is present.

- **Container Capacity Limitation**

The maximum individual capacity of gas containers used in connection with portable outdoor gas-fired heating appliances shall not exceed 20 pounds.

Fuel Gas Containers Cont.

• Prohibited Storage of Containers

Gas containers shall not be stored inside of buildings, or in any location near exit access doors, exits, stairways, or areas normally used, or intended to be used, as a means of egress. Containers not connected for use shall not be stored on roofs.

• Outside Storage of Containers

Gas containers approved for outside storage shall be located in a manner that minimizes exposure to excessive temperature rise, physical damage, and/or tampering, which includes a lockable, ventilated metal cabinet or other approved enclosure.

PORTABLE ELECTRIC SPACE HEATERS

General Regulations

In accordance with Section 604.10 of the Fire Code, portable electric space heaters shall be permitted to be used in accordance with the following regulations:

- Shall be listed and labeled in accordance with UL 1278. (604.10.1)
- Shall be installed and maintained in accordance with the listing and instructions. (604.7)
- Shall be operated only in locations for which they are listed. (604.10.4)
- Shall be plugged directly into an approved receptacle. (604.10.2)
- Shall not be plugged into extension cords. (604.10.3)
- Shall not be operated within 3 feet of any combustible materials. (305.1 & 604.10.4)
- Heating elements shall be permanently guarded so as to prevent accidental contact by persons or material. (603.5.1)

ADDITIONAL PROHIBITIONS & REQUIREMENTS

Approval, Listing, and Labeling

Portable heating equipment must be listed and/or labeled for its intended use. In some cases, portable heating equipment may be required to be approved.