



**CHARLES D. BAKER**  
GOVERNOR

**MIKE KENNEALY**  
SECRETARY OF HOUSING AND  
ECONOMIC DEVELOPMENT

**LAYLA R. D'EMILIA**  
COMMISSIONER, DIVISION OF  
PROFESSIONAL LICENSURE

**Commonwealth of Massachusetts**  
**Department of Fire Services**  
**Division of Professional Licensure**

**KARYN E. POLITO**  
LIEUTENANT GOVERNOR

**THOMAS A. TURCO, III**  
SECRETARY OF EXECUTIVE OFFICE  
OF PUBLIC SAFETY AND SECURITY

**PETER J. OSTROSKY**  
STATE FIRE MARSHAL  
DEPARTMENT OF FIRE SERVICES

## Joint Memorandum

To: Building Inspectors and Fire Prevention Officers  
From: Layla D'Emilia, Commissioner, Division of Professional Licensure  
Peter Ostroskey, State Fire Marshal, Department of Fire Services  
Date: October 15, 2020  
Re: Guidance for Temporary Tents Outdoor Dining Adding Heating Equipment

The COVID-19 safety guidelines for restaurants continue to encourage outdoor table service and to limit indoor table service to assure effective compliance with social distancing requirements. Outdoor table service includes, but is not limited to, service provided on a sidewalk, patio, deck, lawn, parking area, other outdoor space such as under awnings, table umbrellas, and temporary tents. As our region of the country transitions from the summer season into fall, it is anticipated that restaurant venues offering outdoor dining will begin to incorporate temporary heat on patios and within temporary tents.

This guidance identifies some of the code requirements that apply to temporary heating equipment for outdoor table service. Municipal officials should collaborate with each other and with restaurant proprietors to ensure everyone understands the requirements for incorporating temporary heat as part of outdoor table service. Cooperation between officials and owners can help resolve potential issues and avoid unnecessary delays.

### **Permitting of Temporary Structures**

Building officials have the authority to grant a permit for temporary structures, such as tents which conform to the building code, for a period not exceeding 180 days (780 CMR Section 108, as amended). Tent structures erected for this period shall comply with the International Fire Code (IFC) per 2015 IBC Section 3103.1. When evaluating temporary structures, building officials should consider exercising their authority in 780 CMR Section 108 to grant, for demonstrated cause, extensions of the 180 day time period.

As a reminder, open flame devices, including grills, cooking, or heating appliances are not permitted within 20 feet of the tent structure per IFC Section 3104.7.

### **Temporary Outdoor Heaters**

Temporary outdoor heaters may be portable utilizing LPG containers. Portable temporary outdoor heaters are regulated by the local fire department by 527 CMR 1.00. Permanently piped heaters are regulated by 248 CMR.



Open flame devices and other similar devices may be used only in well-ventilated areas away from combustible materials. Open or exposed flames are not permitted inside or within 20 feet of a tent per IFC Section 3104.7. Where vents or flues are used, all portions of the tent structure should be at least 12 inches away from the vent or flue per IFC Section 3104.15.2. Coordination with the local fire department is necessary for the use of these appliances, and for permitting for fuel storage under 527 CMR 1.00.

### **Fuel storage (LPG)**

LPG fuel storage requires a permit from the local fire department for amounts exceeding 42 lbs. (10 gallons). Storage must comply with 527 CMR 1.00: Chapter 69. [527 CMR 1.00: 69.3.12.6]

Fuel storage within buildings must be limited in accordance with 780 CMR and 527 CMR 1.00: Table 60.4.2.1.1.3. Outdoor storage areas must comply with 527 CMR 1.00: Chapter 60 and Chapter 66 or 69 as applicable.

### **Electrical Heating Equipment**

Electrical heating equipment is permitted within a tent if compliant with NFPA 70 per IFC Section 3104.15.7.

### **Contact Information**

If a restaurant or dining establishment within your jurisdiction is incorporating heat associated with outdoor dining in response to COVID-19 and you have questions or concerns, please do not hesitate to contact:

- Office of Public Safety and Inspection at (617) 826-5236
- District state building inspector (<https://www.mass.gov/doc/state-building-inspector-district-assignments/download>)
- Department of Fire Services Code Compliance and Enforcement Unit at (978) 567-3375, or via email at [paul.vigneau@mass.gov](mailto:paul.vigneau@mass.gov) for assistance.



Layla D'Emilia, Commissioner  
Division of Professional Licensure



Peter J. Ostroskey, State Fire Marshal  
Department of Fire Services