



GENERAL SAFETY REQUIREMENTS FOR TEMPORARY OUTDOOR SEATING AREAS



The City of Rochester is committed to ensuring that bars and restaurants can provide outdoor seating safely and successfully during the fall and winter months. Please see below for up-to-date requirements for safe outdoor seating areas. **All applicants will be required to submit a signed acknowledgement form, found at the bottom of this document, with each permit application committing to compliance.**

- If a bar or restaurant is proposing to establish and/or enclose an outdoor seating area, details for location, layout, enclosure type, and heating details need to be included in the permit application.
- Businesses with a liquor license must comply with **NYS Liquor Authority requirements**. <https://sla.ny.gov>
- All establishments must follow current **COVID-19 Reopening Guidelines**. <https://forward.ny.gov/phase-three-industries>

Preparation Between Customers

- For all temporary outdoor structures, businesses should clean, disinfect, and ventilate the seating and table areas in between customer service times.
- Businesses must follow all [NYS Department of Health Guidance for Outdoor Take-Out / Delivery Food Services](#), in particular Section II B: Hygiene, Cleaning, and Disinfection.

Temporary Outdoor Structures

Temporary outdoor structures, including tents, are allowed on private property or in the public right-of-way, under the following regulations and with a completed application (see below for links):

- Temporary outdoor structures that hold multiple parties must have at least 50% of the sides open to allow air flow.
- Outdoor structures with more than 50% of the sides closed are allowed, but will be treated as indoor spaces and must follow the corresponding capacity restrictions.
- Decorative lights, such as string lights and other decorative materials, are not allowed on the frame, outer material, or inside any temporary structure.
- Lighting to illuminate the interior of the temporary structure is required when ambient light is insufficient.
- All temporary outdoor structures covering more than 400 square feet have additional requirements. Please contact the Fire Marshal by email (FireMarshal@CityofRochester.gov) or by calling (585) 428-7037 for more information.
- Temporary structures must be weighted and secured in place to prevent movement, but cannot be anchored with any method that requires screwing, cutting, or drilling into the public right-of-way (i.e., on streets or sidewalks).



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- Temporary structures erected for a period of less than 180 days must comply with the 2020 Building and Fire Codes of New York State for structural strength, fire safety, means of egress, accessibility, light, ventilation, and sanitary requirements as necessary to ensure public health, safety, and general welfare.
- Manufacturer's technical specifications and/or construction documents must be submitted for each temporary structure installation and must be certified by a professional engineer licensed in the State of New York. The construction documents must also include a site plan indicating the location of the temporary structure and delineating both the means of egress and the occupant load. The site plan must also clearly show the proposed location of any power and heat sources servicing the temporary structure.
- Temporary structures that are unable to meet structural requirements for support of regional snow loads must submit an operational maintenance plan demonstrating regular snow removal as necessary to bring the structure into compliance.
- For additional information regarding structural requirements, please contact the Assistant City Engineer by email (Kamal.Cruet@CityofRochester.Gov) or by calling (585) 428-7343.
- Tents, igloos, greenhouses, and other temporary structures shall be manufactured from flame resistant materials. A certificate from the manufacturer is required if a label certifying flame resistance is not permanently attached to the material.
- Structure placement must not impede ADA accessibility on public sidewalks and a minimum of four feet clear width must be maintained at all times. When the continuous accessible clear path measures less than five feet in width, wheelchair turn around locations measuring at least five feet in width must be maintained at a maximum of 200-foot spacing.
- ***Snow removal in areas immediately adjacent to temporary structures will be the sole responsibility of the permit holder.***
- ***Snow removal on adjacent sidewalks will be the sole responsibility of the permit holder for temporary structures that encroach upon and reduce the continuous accessible clear path below five feet in width.***
- Temporary structures, electric fan heaters, propane cylinders, portable generators, electrical equipment, fire extinguishers, and other outdoor dining structures and equipment shall be inspected by the Fire Marshal or her designee.
- Fire extinguishers shall be located in an area that is visible and easily accessible for use.
- All employees shall be trained in the proper use of the fire extinguishers.
- Fire extinguishers shall bear a current inspection tag or proof of purchase within the last twelve (12) months.
- Smoking shall not be permitted. **No Smoking** signs shall be posted in a visible area.
- Application for installing a temporary structure on **private property**:
tinyurl.com/ROC-private-property
- Application for installing a temporary structure in the **public right-of-way**:
tinyurl.com/right-of-way-ROC



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Heating Devices and Appurtenances

Heating Devices are allowed but must meet the following operational regulations:

- Electrically-powered heating devices are permitted. Electrical heating equipment must be marked “UL listed” or “UL classified”.
- Operators must abide by all recommended safety guidelines issued with a specific product (see the product’s operations manual).
- An approved fire extinguisher with a rating of 2A:20B:C shall be kept where it is readily accessible and immediately available for use.
- Heating equipment must be unplugged or disconnected for overnight storage.
- Establishment should maintain clearance between heaters and all other objects, including tent sides. Required minimum clearance distance depends on the heating device; three feet is recommended.

Electrical / Extension Cords

- Extension cords shall be plugged directly into an approved receptacle. The maximum approved length is 100 feet (see below). No pigtailed, splicing or daisy chaining shall be allowed.
- The amp capacity of the extension cord shall not be less than the rated capacity of the portable appliance supplied by the cord.
- Extension cords shall be maintained in good condition without splices, deterioration or damage.
- All extension and or power feed cords shall be removed from sidewalk or overhead after normal business hours.
- Extension cords shall be protected from physical damage and from becoming a tripping hazard. Heavy duty cable (cord) protectors are required where pedestrian traffic is present.
- Electric receptacles shall be ground fault protected (GFI).
- All connections shall be of weather tight protection from rain, snow, and water.
- All electrical cords shall be UL listed and rated for outdoor use.

Power Cord Chart

Maximum Load	Maximum Length	Minimum Gauge
20 amps	100 ft.	12 AWG
30 amps	50 ft.	10 AWG



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Propane (LP Gas)

- Propane heating devices shall not be allowed inside any temporary structure.
- Propane cylinders up to 20lb. capacity are allowed for use with approved outdoor heating devices such as patio heaters and fire pits.
- Natural gas, coal/charcoal, candles, and other open fire heating sources shall not be allowed.
- Propane heating devices will be considered for use in open, uncovered areas. Contact the Fire Marshal's office at (585) 428-7037 or by email at FireMarshal@CityofRochester.gov for additional information.
- For remotely located propane heating devices, with the intent of ducting heated air into a temporary structure, a propane cylinder up to a maximum 30lb. capacity shall be allowed.
- A carbon monoxide alarm is required when heated air is ducted into a temporary structure from a remote heating source.
- Propane cylinders shall be placed a minimum of five feet from any ignition source.
- Propane cylinders must be secured.
- **No Smoking** signs shall be posted in a visible location.
- Only hoses stamped **Approved for LP Gas** shall be allowed.
- Propane tanks, hoses, and fittings shall be free from leaks and are subject to inspection by the Fire Marshal or her designee.

Generators

- Generators shall be UL listed with the tags on the unit.
- Generators shall be located on the ground and isolated from any vehicle or structure.
- Generators shall be located away from the public and public pathways.
- Protective barriers are required around the generator.
- Connections must be ground fault protected.
- Once started, the portable generator must be capable of running continuously, without refueling, for the entire length of the event or business hours.
- Each portable generator shall be inspected and approved by the Fire Marshal or her designee.
- An approved fire extinguisher with a rating of 2A:20B:C shall be kept where it is readily accessible and immediately available for use.



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Safety Considerations

Follow these additional safety considerations to ensure responsible operations:

- Businesses must have sufficient fire extinguishers to cover outdoor spaces.
- Restaurants will need ***inclement weather plans in writing and staff must be trained on these plans*** to prevent any injuries in storms, snow, or other unsafe situations.
- If plastic domes or other enclosed spaces are used, establishment must post placards advising about increased risk of transmission within an enclosed space.
- Use of tents and other temporary structures may be deemed unsafe and prohibited during severe weather events (wind, snow, etc.). The City retains the right to require temporary structures to be taken down if weather conditions pose a potential safety risk.
- Enclosed structures, such as plastic domes, may be used for individual parties and must have adequate ventilation to allow for air circulation.
- All proposed enclosures need to adhere to all NY State and local codes pertaining to structural strength, fire safety, means of egress, accessibility, light, ventilation, and sanitary requirements as necessary to ensure public health, safety, and general welfare.



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ACKNOWLEDGEMENT FORM

The City of Rochester is committed to ensuring that bars and restaurants can provide outdoor seating safely and successfully during the fall and winter months. **After reviewing the *General Safety Requirements for Temporary Outdoor Seating Areas*, applicants must submit this signed acknowledgement form with their permit application, attesting to their commitment to compliance.**

PROPERTY LOCATION: _____

PROPERTY OWNER'S NAME: _____ PHONE: _____

APPLICANT'S NAME: _____ PHONE: _____

BUSINESS NAME: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

CONTRACTOR/INSTALLER NAME: _____ PHONE: _____

By signing this form, I attest that I am in receipt of the *City of Rochester General Safety Requirements for Temporary Outdoor Seating Areas* and agree to fully comply with said requirements, as applicable. I understand that failure to comply with these requirements may result in associated penalties and/or revocation of the Permit.

Signature of Permit Applicant

Date: _____

Signature of Contractor/Installer

Date: _____