



## Winter Preparedness Initiative

As the Fairfax City restaurant and beverage sector prepares for the fall and winter months, this document will provide guidance on operating outdoor dining areas safely and responsibly while mitigating the spread of COVID-19. **As a reminder, any restaurant that is looking to create temporary and/or expanded outdoor dining areas must have a Fairfax City ReConnected Outdoors (FCRO) permit.** Permits can be obtained by contacting Program Manager, Nancy Montes at [EDOCOVID19@fairfava.gov](mailto:EDOCOVID19@fairfava.gov).

This document outlines the guidance restaurants must follow to provide a safe environment for customers to maintain outdoor dining as the weather cools.

### Temporary Outdoor Structures

Temporary and/or expanded outdoor dining areas through the FCRO program are permitted under the below regulations:

- Temporary structures must be weighted, anchored, or secured to the ground but cannot be anchored with any method that requires screwing, cutting, or drilling into the public right-of-way (sidewalks and streets).
- All structural materials must have a fire-resistant certification or flame certification showing material is fire-rated or noncombustible.
- Open flame, candles, cooking equipment, and heaters that utilize an exposed flame shall not be utilized inside or within 20 feet of outdoor dining structures.
- No smoking is permitted within tents or membrane structures. “No Smoking” signage shall be conspicuously posted within the tent or membrane structure.
- Multiple tents with an aggregate square footage greater than 900 sq. ft. may require a Fire Prevention Code Permit if not spaced more than 12 ft. apart.
- Tents larger than 900 sq. ft. require a Fire Prevention Code Permit through the Office of Code Administration in addition to an FCRO permit from the Economic Development Office.
- Tents that utilize sides must have a clear visible exit(s) and exit signage is required for tents greater than 900 sq. ft.
- Use of tents and other temporary structures may be deemed unsafe and prohibited during severe weather events (wind, snow, etc.).

The below table identifies the type of permit required based on outdoor dining structures and features.

| Structure/Features                         | Status      | Description and Regulations   |
|--|-------------|---|
| Umbrellas, tents, or awnings with no walls | FCRO Permit | This allows open-air ventilation and rapid dispersal of droplets/aerosols.<br><br><i>Pop-up tents are now permitted through an FCRO permit application and must be reviewed by the Office of Code Administration prior to installation.</i> |

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| Tents or membrane structures with walls or drops larger than 900 sq. ft.                              | FCRO Permit & Fire Prevention Code Permit | Tents or membrane structures larger than 900 sq. ft. with sides (regardless of whether they are in use or how many panels are added) would be considered an indoor dining structure and requires a Fire Prevention Code Permit from the Office of Code Administration in addition to an FCRO permit.<br><br>Restaurants must post place cards advising about increased risk of transmission within an enclosed space.   |
| Multiple tents side-by-side without a fire break clearance of 12 ft.                                  | FCRO Permit & Fire Prevention Code Permit | Multiple tents side-by-side without a fire break clearance of 12 ft. and aggregate area of more than 900 sq. ft. requires a Fire Prevention Code Permit from the Office of Code Administration in addition to an FCRO permit.   |
| Single party structures that allows for ventilation between uses (e.g., igloos, bubbles, greenhouses) | FCRO Permit                               | Single party structures must be under 256 sq. ft. those larger than 256 sq. ft. are not permitted.<br><br>Regardless of the number of walls, if the structure can be aired out in between parties it is considered an outdoor setting. This functions as a private room for a single party outdoors and must have adequate ventilation to allow for air circulation.<br><br>If utilized, establishment must post placards advising about increased risk of transmission within an enclosed space. |
| Existing outdoor dining area prior to COVID-19  | N/A                                       | If an outdoor dining area existed prior to COVID-19 and there are no changes to the structure and/or footprint size no additional permits are required.<br><br>If structural changes are implemented and/or the outdoor dining area is increased a FCRO permit is required and a Fire Prevention Code Permit may be needed.   |

## Heating Devices

Heating devices must meet the following operational regulations:

- *If a restaurant was not previously approved for LP-gas/Propane usage, a Fire Prevention Code Permit through the Office of Code Administration is required.*
- *No LP (Propane) can be stored, used, or placed under a tent, membrane structure, or temporary structure.*
- All LP (Propane) tanks/cylinders shall be at least 10 feet from the **tent, membrane structure, or temporary structure**, protected from vehicle damage, secured in place, and protected from tampering. "No Smoking" signs must be posted in proximity to the cylinders.
- A portable fire extinguisher must be installed in a fixed location within a tent, membrane structures with walls, or single party structures if any heating equipment is in use.
- Establishment should maintain clearance between heaters and all other objects, including tent sides. Required minimum clearance distance depends on the heating device and manufacturer instructions; 3ft is recommended but for those with a propane tank within the heating structure it is 10 ft.
- Electric heaters must be have grounded plugs and approved safeguards must be in-place to prevent exposure to wet locations and electrical hazards.
- All electrical equipment and cords must be in good condition and protected from damage due to foot or vehicle traffic.
- Heating equipment should be unplugged or disconnected for overnight storage, and employees should be trained in proper installation of fuel tanks and in detecting leaks.
- Heaters must be removed during storms or snow events.
- Employees must understand the functionality of the heating equipment. Patrons must not interact with any heating equipment.

| Structure/Features  | Description and Regulations   |
|---|---|
| Umbrellas and open outdoor dining areas   | <p>Electrical heaters shall not be utilized outdoors unless listed by the manufacturer for outdoor use.</p> <p>LP (Propane)/NG (Natural Gas) may be used in outdoor areas or around tables with umbrellas. Proper clearance to combustible materials as directed by the manufacturer must be followed at all times.</p>   |
| Commercial tents, pop-up tents, awning, and membrane structures                                       | <p>Electrical heaters must be protected from outdoor elements and may only be utilized inside a tent, canopy or membrane structure. Electric heaters cannot be placed outside a tent, canopy, or membrane structure.</p> <p>LP (Propane)/NG (Natural Gas) heaters may not be used within a tent and/or indoor spaces. Heaters that a physically outside of the tent and provide heat through a duct are permitted. Examples of these types of heaters would include forced air/indirect-fired heaters. All heaters must follow manufacturer instructions and listings.</p> <p>The use or storage of flammable/combustible liquids shall not occur within a tent. Storage of flammable/combustible liquids must be at least 50 feet from tents, canopies, and membrane structures.</p> <p>Generators must be kept at least 20 feet from the tent and refueling shall only occur at least 20 feet from tents, canopies, and membrane structures.</p>  |
| Single party structures that allows for ventilation between uses (e.g., igloos, bubbles, greenhouses) | <p>Structures must be under 256 sq. ft. those larger than 256 sq. ft. are not permitted.</p> <p>Electrical heaters must be protected from outdoor elements and may only be utilized inside a tent, canopy or membrane structure. Electric heaters cannot be placed outside a tent, canopy, or membrane structure.</p> <p>LP (Propane)/NG (Natural Gas) heaters may not be used within a tent and/or indoor spaces. Heaters that a physically outside of the tent and provide heat through a duct are permitted. Examples of these types of heaters would include forced air/indirect-fired heaters. All heaters must follow manufacturer instructions and listings.</p> <p>The use or storage of flammable/combustible liquids shall not occur within a tent. Storage of flammable/combustible liquids must be at least 50 feet from tents, canopies, and membrane structures.</p> <p>Generators must be kept at least 20 feet from the tent and refueling shall only occur at least 20 feet from tents, canopies, and membrane structures.</p> |

### Capacity

Capacity for outdoor dining areas are based on the restaurant’s occupancy load and the ability to provide a minimum of 6ft between tables and other designated patron service areas. All other state mandatory requirements apply.

### Cooking

Outdoor cooking with a grill or grease vapor producing equipment shall not occur inside or within 20 feet of an umbrella, tent, awning, membrane structures with walls, or single party structures.

### Snow Removal

Private Property

- Dining structures, fixtures, and heating elements may be required to be removed for reasons of public safety.
- Snow removal plans must be established and coordinated with property owner(s) and managers and must be submitted to the Office of Economic Development through the FCRO program manager.

Public Property (Right-of-Way, Sidewalks, Streets, Parks)

- Dining structures, fixtures, and heating elements may be required to be removed for reasons of public safety.
- Dining structures, fixtures, and heating elements must be removed during storms or snow events.
- Restaurants must remove snow from sidewalks and 4' in all directions adjacent to dining area.

Questions

When is a Fire Prevention Code Permit needed? If you check any of the below boxes, please contact the Office of Code Administration to request a Fire Prevention Code Permit Inspection:

- Tent or membrane structure is larger than 900 sq. ft.
- Multiple tents are set up side-by-side without a fire break clearance of 12 ft.
- Restaurant was not previously approved for LP-gas/Propane usage, a Fire Prevention Code Permit through the Office of Code Administration is required.

Fire Prevention Code Permit Applications can be obtained by contacting the Office of Code Administration at [CodeAdministration@fairfaxva.gov](mailto:CodeAdministration@fairfaxva.gov) or [FireMarshals@fairfaxva.gov](mailto:FireMarshals@fairfaxva.gov).

For all other questions in regards to the Fairfax City ReConnected Outdoors – Winter Preparedness Initiative program, please contact Program Manager, Nancy Montes at [EDOCCOVID19@fairfaxva.gov](mailto:EDOCCOVID19@fairfaxva.gov) or (703) 483-1280 between 8:30 am – 5:00 pm, Monday through Friday.