

As we enter the fall and winter months, this document provides guidance for restaurants and bars to continue operating outdoors safely and responsibly. As a reminder, all outdoor spaces must have a Sidewalk Café Permit, Outdoor Patio License or an Expanded Outdoor Dining Permit.

Structures

Temporary outdoor structures, including tents, are allowed on private property or the public way under the following regulations:

- Temporary outdoor structures that hold multiple parties must have at least 50% of the sides open to allow air flow
- Enclosed structures, such as plastic domes, may be used for individual parties and must have adequate ventilation to allow for air circulation
- All temporary outdoor structures covering more than 400 square feet must obtain a Department of Buildings (DOB)-issued permit
 - For more information, see DOB's [Guidance on Tents for Dining](#)
- 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 way (i.e. on streets or sidewalks)
- All structural materials should have a fire-resistant certification or flame certification showing material is fire-rated or noncombustible
- Use of tents and other temporary structures may be deemed unsafe and prohibited during severe weather events (wind, snow, etc.)

Heating Devices

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

- Heating equipment must be shown on site plans submitted with the permit application
- Electrically-powered heating devices are permitted; they must be installed by a licensed electrical contractor, who will obtain an electrical permit. Electrical heating equipment must be marked "UL listed" or "UL classified"
- Natural gas heaters or any devices fueled with propane are only allowed in open, uncovered areas
- Operators should abide by any recommended safety guidelines issued with a specific product (see the product's operations manual)
- 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
- 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.

Safety Considerations

Follow these additional safety considerations to ensure responsible operations:

- Outdoor spaces with heating devices must keep devices away from combustible materials, such as tents, at all times
- Enclosed areas with heating devices must have clearly marked entrances and exits
- Businesses must have sufficient fire extinguishers to cover indoor and outdoor spaces
- Restaurants will need inclement weather plans in writing and trained staff 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