



GENERAL SAFETY GUIDELINES 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 guidance for safe outdoor seating areas.

- 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>

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 (40%/50 people max for restaurants, 25%/50 people max for taverns).
- 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, 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 (i.e., on streets or sidewalks).
- 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.



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- 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 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 5 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

Heating Devices

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.



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Electrical / Extension Cords

- Extension cords shall be plugged directly into an approved receptacle. No pigtails, 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.
- 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

Propane (LP Gas)

- Propane heating devices shall not be allowed inside any temporary structure. (Note: Natural gas, coal/charcoal or open fire heating 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, a propane cylinder up to a maximum 30lb. capacity shall be allowed.
- Propane cylinders shall be placed a minimum of five feet from any ignition source.
- Propane cylinders must be secured.
- A carbon monoxide alarm is required in the temporary structure whenever occupied.
- **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



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- Generators shall be UL listed with the tags on the unit, located on the ground and isolated from any vehicle or structure.
- 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.
- Generators shall be located away from the public and public pathways. A barrier may be required for additional safety.

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.