



GENERAL GUIDELINES FOR WEATHER PROTECTION FOR OUTDOOR DINING

The purpose of this document is to provide general guidance for the design, construction and/or use of materials to provide weather protection for outdoor dining, such as sidewalk cafes or parklets. This is especially pertinent due to the reliance on these spaces for compliance with COVID-19 related safety protocols. The design of weather protection devices should incorporate Whatcom County and State Department of Health COVID-19 social distancing requirements for restaurants, cafes, bars, and other retail establishments, including distances between tables and chairs.

Most structures require review, approval and inspection by the City via a [building permit](#) and/or [fire permit](#) prior to occupancy. Exceptions are noted below. Additionally, seating and structures within the public right-of-way (including sidewalks or parking areas) require a [temporary right-of-way use permit](#).

The information below is for general guidance only. The responsibility of designing and constructing a safe structure that complies with the City's building and fire codes and ADA requirements remains on the applicant.

ACCESSIBILITY

All proposed tent/shade, coverings and accessories must comply with ADA requirements and not impede pedestrian access or egress or building exits.

FESTIVAL TENT-TYPE OUTDOOR COVERED STRUCTURES

PUBLIC PROPERTY / RIGHT OF WAY

- a. Maximum festival tent size on public sidewalks and parking spaces is 400 square feet. If using multiple 10' x 10' tents grouped together as one tent, a maximum of four (4) tents (totaling 400 square feet) may adjoin.
- b. No staking of festival tents in the public right of way.
- c. Tents greater than 100 square feet shall be anchored using IFAI Tent Ballasting Tool or Bellingham Fire Department requirements.
- d. For 10' x 10' tents, including those joined together in groups of 4 or fewer, each leg must be weighted with a minimum of 40 lbs (e.g. 5 gallon bucket full of water, sand or

- concrete; 4" PVC pipe at least 36" long filled with concrete; commercially-available tent weights; sandbags).
- e. All tents and umbrellas must be a minimum of 6'8" (80 inches) above the sidewalk.
 - f. Outdoor covered structures must not impede exits of any adjacent buildings.
 - g. Tent fabric and any combustible decorative materials must meet the flame propagation performance criteria of Test Method 1 or Test Method 2, as appropriate, of NFPA 701 or have a flame spread index not greater than 25 when tested in accordance with ASTM E84 or UL 723.
 - h. Wall enclosures must comply with State Health Department guidelines. No more than 25% of walls may be enclosed when using propane or fuel-fired heating devices (see "Temporary Heating and Electrical" section below).
 - i. Wall materials must be classified as a Class C material (*Flame spread index 76-200; smoke-developed index 0-450*).
 - j. Wall materials must be adequately anchored to the structure to resist the effect of wind.
 - k. Exits shall be apparent.

PRIVATE PROPERTY

- a. Tents greater than 400 square feet which will be erected for less than 180 days in a 12-month period require a [Fire permit](#).
- b. Tents of any size that will be erected for 180 days or more in a 12-month period, require [building permit](#) and inspection.
- c. If using multiple 10' x 10' tents grouped together as one tent, a maximum of four (4) tents (totaling 400 square feet) may adjoin.
- d. For 10' x 10' tents, including those joined together in groups of 4 or fewer, each leg must either be staked or weighted with a minimum of 40 lbs (e.g. 5 gallon bucket full of water, sand or concrete; 4" PVC pipe at least 36" long filled with concrete; commercially-available tent weights; sandbags).
- e. Tents greater than 100 square feet shall be anchored using IFAI Tent Ballasting Tool or Bellingham Fire Department requirements.

- f. Outdoor covered structures must not impede exits of any adjacent buildings.
- g. Tent fabric and any combustible decorative materials must meet the flame propagation performance criteria of Test Method 1 or Test Method 2, as appropriate, of NFPA 701 or have a flame spread index not greater than 25 when tested in accordance with ASTM E84 or UL 723.
- h. Wall enclosures must comply with State Health Department guidelines. No more than 25% of walls may be enclosed when using propane or fuel-fired heating devices (see “Temporary Heating and Electrical” section below).
- i. Wall materials must be classified as a Class C material (*Flame spread index 76-200; smoke-developed index 0-450*).
- j. Wall materials must be adequately anchored to the structure to resist the effect of wind.
- k. Exits shall be apparent.

AWNINGS, ROOFS, AND CANOPY-TYPE STRUCTURES

A [building permit](#) is required for all temporary weather protection structures greater than 120 square feet. All structures are subject to final inspection.

Registered plans for modular design(s)

Plan sets developed by a licensed engineer for outdoor coverings may be reviewed and registered by the Building Division. Applicants wishing to use a registered plan shall first contact the plan owner and coordinate the construction documents for the proposed site. The applicant should submit the stamped, approved plans with their specific application. The City provides no assurance that the modular design will meet the City’s building and Fire codes until a review occurs based on your specific site plan.

General guidelines

The following guidelines are for example only; other plans may be proposed provided they comply with building and fire codes. All proposed structures may be required to be verified/designed by a WA State licensed professional when heights exceed 6 feet. All reviews and approvals are subject to building review and final inspection. Structures less than 120 square feet that are in place for less than 180 days do not require building permit review.

FLOOR SPECIFICATIONS:

- a. Decks, platforms or walking surfaces must be constructed and able to support anticipated loads while not blocking drainage of city streets.

- b. Accessibility shall be maintained to the dining area with an elevation difference no greater $\frac{1}{2}$ ". Vertical discontinuities between $\frac{1}{4}$ " and $\frac{1}{2}$ " maximum shall be beveled at 2H:1V or flatter. If utilized, ramps shall have a slope no greater than 1:12, be slip-resistant and maintain a minimum of 44" width between obstructions.
- c. Exits shall be apparent.

WALL SPECIFICATIONS:

- a. Dining/seating enclosures must comply with State Health Department guidelines. No more than 25% of walls may be enclosed when using propane or fuel-fired heating devices (see "Temporary Heating and Electrical" section below).
- b. Wall materials must be classified as a Class C material (*Flame spread index 76-200; smoke-developed index 0-450*).
- c. Wall materials must be adequately anchored to the structure to resist the effect of wind.
- d. Exits shall be apparent.

ROOF SPECIFICATIONS:

- a. Roof height must provide a minimum of 6' 8" headroom clearance with a maximum roof pitch of 4:12.
- b. Framework must be sufficient in size, spacing and strength to accommodate the effects of anticipated loads. All framing intersection/joints shall be mechanically anchored to one another creating a secure connection.
- c. Angle bracing at intersections between vertical and horizontal members are encouraged.
- d. Roofing materials should be metal, fabric or plastic and shall be of adequate strength, durability and anchored to withstand anticipated wind loads.
- e. Awnings and canopies shall be provided with an approved covering that meets the fire propagation performance criteria of Test Method 1 or Test Method 2, as appropriate, of NFPA 701 or has a flame spread index not greater than 25 when tested in accordance with ASTM E84 or UL 723.
- f. If plastics are utilized, a label/listing shall have a self-ignition temperature of 650°F or greater where tested in accordance with ASTM D1929; a smoke-developed index not greater than 450.

- g. Temporary structures shall be anchored to resist the effects of wind loads, the use of ballast such as concrete, sand or similar weighted objects shall be located at each supporting member. The cumulative weight of the ballast shall be sufficient to resist anticipated loads.
- h. Snow removal must be performed at every snow event.

COOKING AND OPEN FLAMES ARE PROHIBITED WITHIN OR BENEATH TENTS AND ALL OTHER COVERED STRUCTURES.

TEMPORARY HEATING AND ELECTRICAL

TEMPORARY HEATING AND ELECTRICAL DEVICES ARE PERMITTED ONLY IF EACH OF THE FOLLOWING CONDITIONS ARE MET:

- a. All heating devices shall be UL-listed, ETL-listed, and/or CSA-listed and approved for outdoor use.
- b. Heater(s) shall be located and used in accordance with manufacturer's instructions.
- c. Standalone heaters shall be appropriately anchored/ballasted for existing wind conditions. Many standalone patio heaters are only rated for winds of 10 mph or less. Purchasing a model with a weighted base is strongly encouraged. Manufacturer's instructions shall be strictly followed.
- d. When using propane or other fuel-fired heating devices, no more than 25% of the structure's sides may be enclosed. For example, one of the four sides may have a full height wall, or two of the four sides may have half height walls.
- e. All heating devices shall maintain required separation distances from combustible materials at all times. Required separation distances shall be 2 feet in all directions or the separation distances specified in the heating device manufacturer's instructions, whichever is greater. This includes separation from combustible overhead coverings or materials. Combustible materials include (but are not limited to): wood, plastic, fiberglass, nylon, canvas, foliage, etc.
- f. Propane or other fuel-fired heating devices shall not be located within five (5) feet of a building, building exit, building opening (i.e. windows, doors, etc), or an air intake.
- g. Power cords shall be UL-listed and rated to handle amperage of electric heating device(s).

- h. Electric heaters shall be connected to GFCI-protected circuits and have properly sized overload protection.
- i. All power cords located on public sidewalks, pedestrian pathways, and areas subject to vehicle use shall be protected by rigid cable channel to prevent cord damage and pedestrian trip hazards. Cords must be covered by ADA-compliant materials.
- j. A portable fire extinguisher with a minimum rating of 2A:10B:C shall be readily available and located within 75 feet of travel distance from the heating device(s). This requirement may be satisfied by the adjacent restaurant's portable fire extinguisher provided it remains accessible while outdoor heaters are in use.

**FOR QUESTIONS OR ADDITIONAL INFORMATION,
CONTACT THE PERMIT CENTER:**

Hours: 8:00 – 5:00 Monday thru Friday
permits@cob.org or (360) 778-8300