



John Meehan  
Commissioner

# Town of Brookhaven

## Department of Public Safety

### Division of Fire Prevention



Christopher J. Mehrman  
Chief Fire Marshal

## Requirements of the Erection of Tents and Other Membrane Structures

*Revised 5/12/2020*

Tents and other membrane structures having an area in excess (more than) of 400 sq./ ft. shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the Division of Fire Prevention.

### Exceptions:

- A. Tents used exclusively for recreational camping.
- B. Tents open on all sides that comply with **all** the following:
  - i. Individual tents having a maximum size of 700 sq. / ft.
  - ii. The total area of multiple tents placed side by side without a fire break clearance of twelve (12) feet that does not exceed 700 sq. / ft.
  - iii. **and** a minimum of twelve (12) feet clearance to all structures and other tents.  
*For the purposes of determining required distances, support ropes and guy wires shall be considered as part of the tent or other membrane structure.*

### 1. Maximum Time Periods:

- A. The maximum time period a tent or other membrane structure may remain erected, without prior approval from the Planning Department, shall not exceed 10 days. Additionally, 30 days is required between the issuance of tent permits for the same property.
- B. The above maximum time periods may be extended, without Planning Department approval when in the opinion of the Chief Fire Marshal an extension is appropriate, and the use of such structures are integral to the business / use of the property. Any request for extension of the maximum time periods shall be submitted at the time of the initial permit application to the Division of Fire Prevention. However, in no case shall the time period exceed 180 days. Additional inspection requirements will apply.

### 2. Application & Plan Submission:

***The following items shall be submitted a minimum of 10 business days prior to the planned erection of the structure. Missing information will cause the rejection of the permit submission.***

- A. Fire Prevention Permit application (FP-10) for the erection of a tent or membrane structure.
- B. Applicable Fee: Based on square footage (see Fire Prevention fee schedule)
- C. Diagram shall be submitted - If not to scale dimensions shall be indicated. If to scale not less than 1/8 scale. Plans do not require a design professional stamp / seal.
  - i. Location of tent and membrane structures with respect to the property lines and other structures (requirements vary based on size), as well as other facilities nearby that utilize flammable liquids, gases, explosives or readily combustible materials.
  - ii. Size of the subject tent or membrane structure.
  - iii. Means of egress (exiting), including dimensions of same.
  - iv. Floor plan showing seating, tables, aisle widths, etc.
  - v. Intended use of the tent or membrane structure (assembly, sales, etc.)
  - vi. Type of heating and electrical equipment, to be installed, if any.
  - vii. Any stages or platforms located within the footprint or within twenty (20) feet of the tent or membrane structure.
- D. \*\* Certificate of Flame Resistance” for the fabric material of the tent or membrane structure that will be erected. This certificate shall comply with the requirements of Chapter 31, Section 3104.2 of the Fire Code of New York State (2020).
- E. Certification: An affidavit shall be submitted with the following information:
  - a. Name and address of the owners of the tent or membrane structure.
  - b. Date the fabric was last treated with flame-retardants solution.
  - c. Trade name or kind of chemical used in treatment.
  - d. Name of person or firm treating the material
  - e. Name of agency and test standard by which the fabric was treated.

*\*Please note: Certificates stitched to or printed on the fabric of the tent or membrane structure indicating acceptance by the California State Fire Marshal does not comply with this requirement. Certificates shall indicate flame resistance testing in compliance with National Fire Protection Association (NFPA) Standard 701 Test method 1 or 2, as applicable.*

### **3. Compliance Inspection**

Once the tent or membrane structure is erected, a Fire Marshal from the Division of Prevention will conduct an inspection prior to the event or use by the public.

- A. For all tents or membrane structures: Documentation attesting to the structural stability of the subject tent or membrane structure shall be prepared by a NYS licensed Architect or Engineer after he / she has conducted an inspection of the erected tent or membrane structure. Said Architect or Engineer shall ensure the erection of the tent or membrane structure is in compliance with the manufacturer's design requirements and the applicable sections of the Fire Code of New York State (2020). Said affidavit shall bear the stamp / seal of the Architect or Engineer. This document shall be submitted to the Fire Marshal at the time of inspection.
- B. In addition, the requirements accompanying the approved permit (See letter of additional requirement accompanying permit), the following shall be complied with:
- i. Approved previously submitted layout matches current layout.
  - ii. Ground enclosed by the tent or other membrane structure and not less than twenty (20) feet outside the tent or other membrane structure shall be cleared of all combustible materials and vegetation.
  - iii. Fire extinguishers shall be provided in accordance with Fire Code of New York State (2020).
  - iv. Electrical installations shall be in accordance with NFPA 70.
  - v. Open flame cooking devices shall be prohibited in tents or membrane structures utilized for public assembly.
  - vi. Heat producing equipment shall be prohibited, except that approved temporary heaters may be provided in accordance with the Fire Code of New York State (2020).
  - vii. Exit signage and emergency lighting shall be installed (if utilized after dark)
  - viii. No smoking signs shall be installed conspicuously through the tent or other membrane structure.
  - ix. Any generators shall be a minimum of twenty-five (20) feet from any tent or other membrane structure and be appropriately grounded utilizing grounding rods. Spare fuel associated with the generator shall be stored in an approved container and located in a secure location.

*Any violation of any section of the Fire Prevention Code of the Town of Brookhaven and / or the Fire Code of NYS (2020) constitutes an offense pursuant to Section 16 of the Fire Prevention local law and may be punishable by a fine up to \$10,000 per day, imprisonment not to exceed (6) months, or both.*