



DEPARTMENT OF COMMUNITY AFFAIRS  
DIVISION OF FIRE SAFETY  
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## BULLETIN: 2006-01

**SUBJECT:** Cooking appliances under Canopies and Tents

**REFERENCE:** UFC Section F-2002.2, N.J.A.C. 5:70-2.7(a)3.v.,  
N.J.A.C. 5:70-4.7(g), and IFC 2003, Section 2404

**ISSUE DATE:** June 21, 2006

The Bureau of Fire Code Enforcement has become increasingly aware of problems associated with cooking under canopies and tents. Pursuant to fire prevention code's Chapter 20, N.J.A.C. 5:70-3.1(a)20, the current code language prohibits cooking under tents or air-supported structures.

**"F-2002.2 Exposed flames:** Gasoline, gas, charcoal or other cooking device or any other unapproved open flame shall not be permitted inside or located within 20 feet of the tent or air-supported structure".

A conflict has developed with this section when the application of New Jersey State Department of Health regulations by health officials has required outdoor food preparation (cooking) and serving to be conducted underneath a structure to shield the food from airborne contaminants. For temporary activities this has involved the use of membrane structures.

This bulletin includes guidance to provide for the application of the competing regulations in a coordinated and effective manner.

A second issue has been the application of State Fire Safety Code Section N.J.A.C. 5:70-4.7(g) to cooking operations that produce grease laden vapors that occur under membrane structures. The Division of Fire Safety has determined that such actions are not authorized.

The intent of the State Fire Safety Code, (Retrofit Code), is to provide for an acceptable level of life safety in buildings or structures that were not built in compliance with the New Jersey Uniform Construction Code (UCC). Primarily, application of this subchapter is to occupancies constructed prior to the effective date of the UCC with some legislated exceptions such as dormitories for suppression purposes. The scope is intended to deal with occupancies that do not meet fire protection standards enacted on January 1, 1977 or later.

Since all membrane structures are regulated by the current standards of the NJ Uniform Construction Code and/or NJ Uniform Fire Code, the Retrofit Code provisions would not be applicable. Furthermore, if the guidance to restrict such cooking activities to canopies or UCC permitted tents as provided in this bulletin is followed by fire code officials, there will not be a dangerous accumulation of grease laden vapors.

# Guidance Document

## Cooking appliances under Canopies and Tents

### Definitions:

**CANOPY.** A structure, enclosure or shelter constructed of fabric or pliable materials supported by any manner, except by air or the contents it protects, and is open without sidewalls or drops on 75 percent or more of the perimeter.

**TENT.** A structure, enclosure or shelter constructed of fabric or pliable material supported by any manner except by air or the contents that it protects.

### Purpose:

Prohibiting open flames and high-heat appliances fueled by flammable or combustible gases, liquids and solids inside or within 20 feet of a tent or membrane structure is just common sense. Fires cannot start if there is no source of ignition. This guidance document, however, gives the fire code official the ability to approve an open flame or exposed flame appliance considered to be a minimal fire hazard typical of limited cooking facilities using charcoal or LP-gas for fuel and located under a canopy that is open on at least three sides and not attached to another structure.

### Cooking activities under canopies may be approved based upon the following:

1. The issuance of a Type 1 Permit pursuant to N.J.A.C 5:70-2.7(a)3.v.
2. The use of membrane structures for cooking activities is restricted to free standing canopies with no sides attached during cooking activities.  
*Exception:* Tents installed pursuant to a permit issued under the New Jersey Uniform Construction Code wherein the cooking activity was included as part of application, review and approval process.
3. A diagram is submitted that includes a floor plan showing the location of the cooking appliances and any fuel sources or supplies.
4. The cooking canopy is located no less than five feet from any other canopy, tent or structure.
5. The canopy fabric is flame resistant and the applicant has provided the Fire Official with a certification attesting the flame resistance as required by Section 2001.8 of the UFC.
6. All cooking equipment to be placed under a canopy is listed for commercial use. (example: a residential barbecue is not listed for commercial use)
7. LP-Gas containers are located at the outer edge of the canopy, a minimum of five feet from the heat-producing appliance. The containers are protected to prevent tampering or damage by vehicles or other hazards. The containers are securely fastened and free of leaks. Safety relief valves are pointed away from the canopy. (Note: Because LP Gas is heavier than air, the fire official should look at the ground in the area surrounding the container to ensure that the ground does not slope down from the container such that gas would collect in a high occupancy (assembly) area in the event of a leak.)
8. Occupancy underneath the canopy is restricted to those persons necessary for food preparation only. Food may be served from the outer edge of the canopy. Suitable barriers should be provided to maintain a distance of not less than five feet between areas accessed by the general public and the cooking equipment.
9. Portable fire extinguisher(s) are provided for each cooking location. The size and type should be determined in accordance with the fire protection requirements of the fire code and its referenced standard, NFPA 10.
10. Storage of combustible items required for food preparation or serving is limited.
11. All other applicable provisions of the NJ Uniform Fire Code are adhered to.