



ARLINGTON COUNTY FIRE DEPARTMENT



Fire Prevention Office

1020 N. Hudson St., Arlington, VA 22201

TEL 703.228.4644

Email Fire-Firecodeinquiry@arlingtonva.us

FAX 703.228.7097

www.arlingtonva.us

TOSA UPDATE + REMINDERS: TENTS + HEATERS + OCCUPANCY

As Arlington works to assist its restaurant community as it continues its recovery from the COVID-19 pandemic, we want to provide you with an update as we enter the winter months. This update includes critical information about tents and heaters, as well as important reminders about the retention, and possible expansion, of your Temporary Outdoor Seating Areas (TOSAs).

TENTS & STRUCTURES

Many of Arlington's restaurants have added tents (the term "tents" includes both tents and other membrane structures) or other small structures to protect outdoor seating areas against the weather: shade from the sun or a windbreak to a cool breeze. Typically, tents are temporary, and so, the County's building and fire codes allow placement for only 180 days within a 12-month period. To address these codes, Arlington County has developed the following policy:

- Structures less than 120 square feet are allowed through the TOSA process and may remain in place for the duration of the TOSA.
- Tents larger than 900 square feet, tents on rooftops, and structures more than 120 square feet require **permits**. Schedule a [code consultation](#) with ISD to discuss.
- For temporary tents larger than 120 square feet but less than 900 square feet:
 - **Those not approved as part of the TOSA process must be removed by December 15, 2021.**
 - Businesses may apply through the Fire Prevention Office for a permit for the placement of a new temporary tent.
 - If a permit is approved, businesses must wait 180 days (6 months) after the removal of the existing tent to install a new, approved temporary tent.
 - Businesses with tents **approved via the TOSA process** are eligible to apply for a one-time temporary Virginia Statewide Fire Prevention Code modification to extend the temporary tent for an additional 90 days.
 - This 90-day period will run from January 1, 2022, to April 1, 2022, at which time the approved temporary tents must be removed.
 - Applications for Fire Code Modification are open from November 15, 2021, to December 31, 2021 and must include the required information on the check sheet.
 - Incomplete applications will not be processed and the request for code modification will be denied.
 - If, at any time, an establishment violates the Virginia State Fire Code (e.g., propane heaters under the tent), the Fire Code Modification will be revoked.

MISSION

We serve the community with compassion, integrity and commitment through prevention, education and a professional response to all hazards.



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PORTABLE OUTDOOR GAS-FIRED HEATING APPLIANCES

An annual Fire Prevention Code Permit is required for the storage and/or use of LP-Gas. You can apply at <https://fire.arlingtonva.us/fire-code-information/lp-gas/>. and submit to the Fire Prevention Office.

After review of the permit application, an on-site inspection must be scheduled and satisfactorily completed before the Fire Prevention Code Permit is issued.

REMINDER: LP-Gas Heaters must be placed more than 5 feet from buildings, combustibles, exits or discharges and adhere to the manufacturer's guidance.

Additional information can be found in [Transitioning to Winter: A guide for traditional and temporary outdoor dining areas.](#)

OCCUPANCY

The rules requiring all parties to be separated by at least 6 feet were eased on May 28, 2021. In most cases, this change implies that restaurants may now seat indoor dining rooms at the full capacity indicated on the business's Certificate of Occupancy (CO).

Under the TOSA guidelines in place since July 2020, the combined number of indoor and outdoor patrons served at any given time cannot exceed the indoor capacity OR the indoor and outdoor capacity if the business had an existing outdoor café.

Restaurants that wish to seat indoor dining rooms at the capacity indicated on the CO(s) and continue to operate the TOSA at some capacity MUST apply for a Temporary Certificate of Occupancy (TCO) for the continuation of the TOSA. To ensure the safety of all restaurant staff and patrons, Virginia Building and Fire Prevention Code regulates capacity limitations. For this reason, the ability to obtain a TCO for a TOSA will depend on a restaurant's individual circumstances and existing indoor and/or outdoor capacity.

REMINDER: Receiving a TCO does not increase the allowed indoor seating capacity. The existing Certificate of Occupancy still applies to indoor seating limits.

The first step for a restaurant interested in a TCO for its TOSA is to schedule a code consultation, at no charge, with Arlington's Inspection Services Division (ISD) to discuss capacity, layout and related details. [Code consultations](#) may be scheduled by completing this [form](#) and emailing it to arlcoisdpr@arlingtonva.us.

For Questions About:

Tents and heaters – Contact the Fire Prevention Office: Fire-Firecodeinquiry@arlingtonva.us or 703-228-4644

Occupancy, TCOs, and Building Permits – Contact ISD: 703-228-3800

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