



# OREGON FIRE CODE

## Joint Policy Bulletin

A collaborative service to provide consistent and concise application of Oregon's fire prevention and life safety regulations.

**Date:** January 11<sup>th</sup>, 2021

**Initiating:** Joint Policy Bulletin No. 0006

**Subject:** Tent Use During Declared Emergencies

**Code References:** 2019 Oregon Fire Code (OFC) Sections 101.3 104.8, 305, 308, 315, 1201, 1203 and Chapters 31 and 61.

**Background:** The intent of this document is to provide guidance and consistency to local fire officials while working with business owners, or those offering shelter, to ensure fire and life-safety. In 2020, the State of Oregon endured unprecedented wildfires, resulting in the displacement of thousands of homeowners, in addition to the spread of a worldwide pandemic that impacted all aspects of life for every person in the state. The extent and magnitude of both disasters was swift and unpredictable, leaving homeowners and business owners alike with the need to use some form of shelter, most commonly tents.

It was found that the influx of tent structures erected in response to an emergency may outpace the ability of local fire jurisdictions to administer operational permits or provide an adequate level of guidance prior to their construction and use. In addition, it was noted that there may be challenges with heating these spaces while providing Oregon Fire Code consistency among all fire agencies.

As identified in Oregon statute and the Oregon Fire Code (OFC), there are times when strict adherence to the OFC may not be in the best interest of the public. When those rare occasions are identified, local officials have the ability to use their judgement to implement like measures that provide an equivalent level of fire and life safety protection.

It will take the cooperation of business owners and local fire authorities to work together to make sure these temporary adjustments and variances are carried out responsibly and safely.

**Advice:** Assist local jurisdictions to make both objective and subjective decisions regarding the use of tents, and other similar structures, during times of emergency, both within the established temporary use of 180 days, and when that time frame is necessarily extended in consideration of an executive order or other locally declared emergencies as defined by guidelines of the Oregon Office of Emergency Management.

Consideration shall be given in the creation and implementation of this policy so that any modifications to the Oregon Fire Code are reasonable and demonstrate that the intent of the code is satisfied in accordance with ORS 476.035 and OFC 104.8.

**Authority:** During times of unusual hardship or when unique difficulties necessitate, such as during a global pandemic, ORS 476.035 empowers the State Fire Marshal with the ability to apply adjustments to the Oregon Fire Code if such changes meet the intent and purpose of the code, support the public's general welfare, and help ensure their health and safety.

ORS 401.168 gives the Governor the complete authority to direct the Oregon Office of the State Fire Marshal to prevent or alleviate damage during a state of emergency and to provide assistance in order to restore services, including the availability of food, that provide for the health and safety of the citizens.

**Process:** This policy is reserved exclusively for use only after the declaration of a State or Local emergency and only when it is determined that the continued strict enforcement of applicable sections of the Oregon Fire Code would create a greater risk than is reasonable due to that emergency. This risk could be the result of health factors, socio-economic impacts or others.

**Compliance:**

**General:** The requirements of the Oregon Fire Code shall prevail unless specifically amended below. No amendment shall conflict with an Executive Order issued by the Governor. Chapter 31 provides requirements specific to the protection of temporary tents. Chapter 61 and NFPA 58 provide requirements for the safe handling and use of LP-Gas including propane and butane. All equipment, including tents, heaters and appliances, shall be listed for their intended use, including their owners manual or use and care instructions. Tents used for cooking need to follow the provisions of the Oregon Fire Code. No amendments or changes will be allowed to the Oregon Fire Code or National Electrical Code for requirements related to electrical wiring requiring permit. There may be attachments that are relevant and to be used in conjunction with this bulletin.

- **Approval and Permits:** All tents, regardless of size, utilizing any of the alternatives contained herein, are required to have fire department approval, preferably through use of an Operational Permit.

Enclosed tents 400 square feet or less are still required to meet the minimum OFC requirements, but larger tents also need fire department approval in accordance with OFC Section 3103.2. Tents with all sides open shall also meet the requirements of Section 3103.2.

The local fire code official may allow an alternate tent material to NFPA 701 to be utilized meeting the requirements for flame propagation criteria. The most common standards in the U.S. are the California State Fire Marshal (CSFM) Title 19 and ASTM E84.

- **Plans and Inspections:** The use of this JPB is conditional upon the submission of plans and approval of the site after an inspection as required by the fire code official. Use of the tent or similar structure beyond 180 days may be approved for the duration of the declared emergency when approved and inspected as determined by the local fire code official. The approved plan shall be kept available by the owner and any significant changes to the plan will require additional approval by the fire code official.

Plans must include the approved care, quantity and security of any flammable and combustible liquid storage fuel containers, including LP-gas cylinders, and indicate their approved location while awaiting use or removal from the premises.

- **Designated Staff Training:** The awareness of these amendments to staff is crucial for the safety of themselves and to the public. All designated staff shall be familiar with all approved plans and be trained in the location and use of portable fire extinguishers, the proper use of heaters, fuel storage plan, and electrical panel location.
- **Location and Access:** Through coordination with the local fire department, tents requiring a 20 foot setback from buildings may be approved closer after the owner has checked with other affected businesses, local authorities, and ensured there are no land use and zoning restrictions.

The fire department may then approve the closer location if the tent does not unduly impair fire department access, impede fire ground operations, and does not diminish egress from either the tent or any nearby building, and meets all other requirements of this Joint Policy Bulletin and the Oregon Fire Code.

Tent separation to combustible vegetation and waste material shall be at the discretion of the fire code official and shall be documented on the approved plans.

- **Exits, Lighting and Aisles:** Exit openings shall be clearly marked with signs and tents shall be adequately illuminated to see all egress components. Occupant loads shall be per the fire code, or as restricted by the emergency orders. Aisle width shall be maintained and exits shall be kept clear of obstructions such as electrical equipment and cords, heaters, and chairs. Walking surfaces shall be maintained both inside and outside of the tent. LED lights rated for outdoor use are preferred. Generator use shall be as required in the fire code.
- **Portable Fire Extinguishers:** Approved portable fire extinguishers complying with section 906 shall be provided in locations approved by the fire code official.
- **Heat Producing Equipment:** In accordance with OFC Section 3107.4 the following alternative means of heating may be approved as a best practice by the local fire code official. Note that such heaters must still meet all the applicable requirements of OFC Sections 305 and 315 and their manufacturers instructions. Fuel sources shall be removed and safely stored, and electric heaters shall be unplugged when not in use.
  - Portable electric heaters using an extension cord. Heaters shall be UL 1278 listed. Extension cords shall be a minimum of #14 AWG, grounded, rated for outdoor use, and plugged into a GFCI protected outlet. Physical protection of the cord shall be considered with the use of commercially available guards. Cords shall not be extended through exit openings or be located so as to be tripping hazards.
  - Portable electric heater plugged into a UL 1363 listed relocatable power tap with a fuse or other overcurrent protection (this is not a “surge protector”) listed for outdoor use and plugged directly into an approved receptacle. This option allows the owner to also supply needed low wattage devices such LED strings of lights.

“RPT’s can be found up to 25 feet in length. Note: many circuits will be 20 amp service and most heaters are 13 to 16 amps, meaning very few other accessory uses will be possible. Also note that multiplug cube adapters and power strips without fuses are not allowed. See OFC Section 604.4 commentary for more on RPT’s.

- Portable propane heaters listed for emergency use indoors, or in tents, connected to a 20 lb. (BBQ grill type) container located at least 5 feet outside the tent and installed per manufacturers instructions, may be approved. Both the heater and the supply hose to it must be CSA certified.

The heater, which normally runs off a 1 lb. container, may require a conversion kit and a fuel filter, both would be available from the manufacturer. The heater must have a tip over switch, an oxygen depletion sensor and be used per the manufacturers instructions. Flammable gas alarms and carbon monoxide alarms are highly encouraged as well as the practice of leaving a minimum 6 inch gap between the ground and the tent side walls.

Other heaters that produce an open flame, including LP-gas catalytic heaters, may be approved if in the opinion of the fire code official they are determined to pose a minimal fire hazard, meet the applicable portions of OFC Section 308, are used properly, and are located safely away from tent walls, combustible materials and exits.

- Construction type heaters (also known as “Bullet” or “Salamander” heaters) may be approved for pre-heating and drying purposes when the public is NOT occupying the tent and when they are otherwise used in accordance with their owners manual, paying particularly attention to the fuel container location. The unit must be completely removed from the tent when not in use and anytime the public occupies tent.

**Conclusion:** As identified in Oregon statute and the Oregon Fire Code, there are times when strict adherence to the OFC may not be in the best interest of the public. When those rare occasions are rightly indentified, the law gives the State Fire Marshal and local fire officials the ability to use their judgement to implement like measures that provide an equivalent level of safety.

It will take the cooperation of business owners and local fire authorites to work together to make sure these temporary adjustments and variances are carried out responsibly and safely.

**Contacts:** If you have questions or are in need of further information email [osfm.flss@state.or.us](mailto:osfm.flss@state.or.us) or call 503-934-8256.

**References:**

**Oregon Revised Statute:** 476.035. Adjustments and variances in application of statutes and regulations

**Oregon Administrative Rule:** 837-039-0006. Minimum Fire Code Requirements

**ICC Considerations for Converting Outdoor Spaces into Temporary Seating Spaces:** 20-19250\_GR\_Outdoor\_Seating\_Code\_RPT\_FINAL\_HIRES.pdf

**Oregon Office of Emergency Management:** *Emergency Declarations Guidelines For Local Elected And Appointed Officials*; May 2018.

**Oregon Office of the State Fire Marshal:** *Technical Advisory 14-12 “Temporary Shelters”*