



BROOKLINE FIRE DEPARTMENT

Town of Brookline Massachusetts

**FIRE DEPARTMENT
HEADQUARTERS**

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Requirements for Brookline Pilot Program - Liquid Propane (LP) Outdoor Patio Heating Appliance use and storage

This Pilot Program permits local businesses to use portable propane fuel gas patio type heating equipment once they have obtained the required permits and approvals. The purpose of the program is to support local businesses seeking to incorporate outside seating into their business. Local businesses participating in the Program must comply with all licensing and permitting requirements established by the Brookline Fire Department, and the Select Boards office for licenses for use on the public way (Town-owned sidewalks and streets) and all other applicable Town Departments and in compliance with all applicable state and local laws, as further set forth below. Entities seeking to use outdoor patio LP heating appliances for outdoor seating and associated fuel storage (if applicable) must comply with the following:

Please be advised that this Pilot Program only applies to local businesses using patio heaters with portable propane fuel gas. Hard piped natural gas or electric heaters are not permitted under the Program and are subject to the requirements of the Brookline Building Department. In addition, this Program does not authorize the use of portable cooking appliances, candles, open fire pits or any other fire-related uses.

Local businesses seeking to use patio heaters with portable propane fuel gas in accordance with this Pilot Program must comply with all provisions of the Massachusetts Comprehensive Fire Safety Code ("Code") **2015 Edition**. Local businesses seeking to obtain a permit under the Program should pay special attention to the following Code provisions (see hyperlink below):

- A. Code §§ 10.10.1- 10.10.2;
- B. Code §§10.10.6.3- 10.10.6.3.6;

- C. Code § 10.10.7;
- D. Code § 10.10.10;
- E. Code §§ 20.1.5.6- 20.1.5.8.4; and
- F. Code §§ 69.3.11.- 69.3.11.2.8.

<https://www.nfpa.org/codes-and-standards/all-codes-and-standards/list-of-codes-and-standards/detail?code=1>

In order to use patio heaters with portable propane fuel gas, local businesses must apply for and receive permits both for the use and for the storage of such equipment from the BrFD. Applications for **LP Outdoor Patio Heating Pilot Program** permit are available on the Brookline's online portal <https://www.brooklinema.gov/Permits-and-Licensing> .The BrFD Fire Prevention Division will review and grant permits to local establishments in accordance with Code §69.1.2 and §1.12.8.43 <https://www.mass.gov/doc/massachusetts-527-cmr-100-2015-edition-as-of-october-18-2019/download> . Any inquiries regarding BrFD permitting requirements should be directed to the attention of Dep. Chief David Randolph of the Fire Prevention Division drandolph@brooklinema.gov 617-730-2270.

All previously issued permits for the use and storage of patio heaters with portable propane fuel gas that are currently in use by businesses on private property or on outdoor patio spaces adjacent to the business on Town-owned sidewalks and streets will expire on December 7, 2020. All such permits were issued under special circumstances due to the COVID-19 pandemic and the resultant urgency in seeking to accommodate the continuation of business during the pandemic. All such previously issued permits must be submitted to the Select Board to be attached as an attachment to and condition of any sidewalk use license for the establishment issued by the Town. Going forward, if a local business wishes to use and store heaters with portable propane fuel gas in an outdoor patio space owned by the Town, the local business must specifically request to use and store such equipment in its application to the Town for a public way use license and be granted approval as an attachment to and condition of such public way use license.

Local businesses that have already been issued flammable storage permits from the BrFD for 2020 will be permitted to include propane amounts on their existing permits and will not be required to obtain additional permits to use patio heaters with portable propane fuel gas.

Violations of any of the above-mentioned provisions of the Code or any other licensing or permitting requirements established by the BrFD, Select Board, or any other Town Departments could result in the immediate suspension or revocation of permits as determined by the Fire Official and/or the Select Board.

In accordance with the above Code provisions, patio heaters using portable propane fuel gas must be:

1. Used with permission from the property/landowner,
2. Used in consultation with the local business association,
3. Used in accordance with the manufacturers' instructions,
4. Listed and labeled for use as a commercial grade patio heater,
5. Equipped with an electronic ignition,
6. Firmly secured to prevent being knocked over,
7. Located so as to not obstruct ingress or egress throughout the property,
8. Not directly located under a canopy or tent,
9. Located at mean grade, and
10. Not located within five (5) feet of an exit or entrance.

In accordance with the above Code provisions, the portable propane fuel gas must be:

- Stored in the base of the heater or in another location on the property **which already holds an existing flammable storage permit** as approved by the BrFD ("Pre-Determined Area").
- Exception: Heaters used and stored on Town property in connection with a sidewalk use license **shall have the propane removed from the base at the end of each use**. The propane shall be stored in a Pre-Determined Area approved by the BrFD and must not be stored within any personal property such as a structure or enclosure or in a vehicle. Note: For the purpose of this exception, a Pre-Determined Area may mean outside of Town limits as approved in the permit by the BrFD.