

ORDINANCE NO. 2018-_____

AN ORDINANCE amending the City of Yakima Municipal Code Chapter 10.05 Fire Code to add a new Section 10.05.095 related to commercial cooking under tents

WHEREAS, the City of Yakima has seen an increase in festivals, street fairs, and other events where vendors may provide food and beverages to the public; and

WHEREAS, many of the vendors use temporary tents as part of their activities to provide shade for volunteers and workers, and to also create a space for vending their food and beverages; and

WHEREAS, the Fire Code does not allow for any flame, fire or heat, or any flammable or combustible devices to operate inside or within 20 feet of any tent or membrane structures open to the public unless approved by the fire code official; and

WHEREAS, staff from the fire department and the building code official evaluated when, and under what conditions, it may be appropriate to allow cooking under tents or canopies within the City of Yakima; and

WHEREAS, after evaluation, it was determined that some cooking under tents or canopies could be allowed as long as the vendors or persons cooking meet specific requirements; and

WHEREAS, the City Council finds that it is in the best interests of the residents of the City of Yakima and the City to allow cooking under tents or canopies with specific requirements; now, therefore,

BE IT ORDAINED BY THE CITY OF YAKIMA:

Section 1. Chapter 10.05 of the City of Yakima Municipal Code is hereby amended to add Section 10.05.095:

10.05.095 Establishment of limits in which cooking under tents is allowed.

- (1) A tent, for the purposes of this Section, shall be defined as a structure, enclosure, canopy or shelter, with or without sidewalls or drops, constructed of fabric or pliable material supported by any manner except by air or the contents that it protects, and which meets the flame propagation performance treatment set forth in Section 3104.2 of the International Fire Code (test method 1 or 2 of NFPA 701), CPAI 84, or California Fire Marshal Seal.
- (2) All tents with dimensions larger than 10' x 10' must conform to labeling and certification which shall be done in accordance with Sections 3104.3 and 3104.4 of the International Fire Code.
- (3) Cooking under tents shall conform with each of the following requirements:
 - (a) Tents with cooking devices are not allowed to be open to the public;
 - (b) Cooking devices are not allowed to obstruct the exit access, exit or exit discharge;
 - (c) Cooking devices located under tents with sidewalls shall have cooking devices located a minimum of three feet from tent walls;
 - (d) Cooking surfaces shall have a minimum vertical clearance of forty-two inches to tent structure when the tent dimensions do not exceed 10' x 10', and a minimum vertical clearance of 48" when the tent dimension exceeds 10' x 10';

- (e) All tents with cooking devices shall be separated from other tents and structures by a minimum of 5 feet;
- (f) A minimum rated 2A-10BC fire extinguisher shall be located within each tent;
- (g) If grease laden vapors are produced, a six liter class K extinguisher shall be located within the tent;
- (h) All fire extinguishers shall have an up-to-date annual inspection tag provided by certified personnel; and
- (i) All compressed gas cylinders shall be restrained to prevent dislodging.

Section 2. Severability. If any section, subsection, paragraph, sentence or clause of this ordinance is declared invalid or unconstitutional for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of the ordinance.

Section 3. This ordinance shall be in full force and effect 30 days after its passage, approval, and publication as provided by law and by the City Charter.

PASSED BY THE CITY COUNCIL, signed and approved this 3rd day of April, 2018.

ATTEST:

Kathy Coffey, Mayor

Sonya Claar Tee, City Clerk

Publication Date: _____

Effective Date: _____