

Notification Requirements

Applicants must notify all affected community members—including residents and businesses—about their outdoor seating area, associated loss of parking, and other impacts at least two weeks prior to implementation. Any establishment or residence that will be neighboring the outdoor seating area must be notified.

Each notification must include the following:

- Name of business
- Location of outdoor seating
- Date of implementation
- Description of possible impacts
- Business contact name, phone number, and email
- [Outdoor Seating Feedback Form](#)

Approved Notification Methods

- **Option 1:** Mailed Postcards – Applicants may mail standardized bright yellow postcards detailing outdoor seating information to all affected community members.
- **Option 2:** Individualized Establishment Notification – Applicants may individually contact affected community members in person, over the phone, or via email and submit their tracked interactions to staff from the Office of Special Events.
- **Option 3:** Apartment or Business Complex Notification – Applicants may coordinate with property managers to alert all tenants of a large complex via the preferred communication method of the complex. Proof of this alternate form of notification must be submitted to staff from the Office of Special Events.

Applicants may use a combination of the above methods of notification or may submit a suggested alternate notification plan to the Office of Special Events in advance, which may be approved, modified, or denied.

Note that while an applicant is required to notify its neighbors about plans for outdoor seating, neighbor consent is not required to move forward.



Photo courtesy of VisitRaleigh

Portable Heater Safety Guidance

The use of portable heaters brings an increased risk of fire and injury. The sections of the North Carolina Fire Code below provide standards for the safe use of portable heaters.

Gas Heaters

- 603.4.2.1.1 **Prohibited locations:** The storage or use of portable outdoor gas-fired heating appliances is prohibited in any of the following locations:
 - Inside of any occupancy where connected to the fuel gas container.
 - Inside tents, canopies, and membrane structures.
 - On exterior balconies.
- 603.4.2.1.2 **Clearance to buildings:** Portable outdoor gas-fired heating appliances shall be located not less than 5 feet from building.
- 603.4.2.1.3 **Clearance to combustible materials:** Portable outdoor gas-fired heating appliances shall not be located beneath, or closer than 5 feet to combustible decorations and combustible overhangs, awnings, sunshades or similar combustible attachments to buildings.
- 603.4.2.1.4 **Proximity to exits:** Portable outdoor gas-fired heating appliances shall not be located within 5 feet of exits or exit discharge.
- 603.4.2.2.2 **Installation and maintenance:** Portable outdoor gas-fired heating appliances shall be installed and maintained in accordance with the manufacturer's instructions.

Electrical Heaters

- 605.10 **Portable, electric space heaters:** Where not prohibited by other sections of this code, portable, electric space heaters shall be permitted to be used in all occupancies other than Group I-2 and in accordance with Sections 605.10.1 through 605.10.4.
 - Exception: The use of portable, electric space heaters in which the heating element cannot exceed a temperature of 212 degrees (F) shall be permitted in nonsleeping staff and employee areas in Group I-2 occupancies.
- 605.10.1 **Listed and Labeled:** Only listed and labeled portable, electric space heaters shall be used.
- 605.10.2 **Power Supply:** Portable, electric space heaters shall be plugged directly into an approved receptacle.
- 605.10.3 **Extension Cords:** Portable, electric space heaters shall not be plugged into extension cords.
- 605.10.4 **Prohibited areas:** Portable, electric space heaters shall not be operated within 3 feet of any combustible materials. Portable, electric space heaters shall be operated in locations for which they are listed.

Outdoor Fire Pits on City Property

City Code outlines that outdoor fire pits are considered unlawful on City-owned property, which includes sidewalks, parking spaces, streets, and plazas used for an outdoor seating area.

City Code

Sec. 13-1004. - FIRE OR FLAMES ON CITY-OWNED OR CONTROLLED PROPERTY.

It *shall* be unlawful for any person to ignite, carry, transport or to cause to be ignited, carried or transported or to allow to burn on or across any sidewalk, *street*, easement, right-of-way, park or other *property* of any kind owned or otherwise controlled by the *City*, any flame, fire, or lighted nonelectric lantern, other than a match, cigarette lighter or lighted pipe, cigar, or cigarette; provided the foregoing *shall* not apply to *City* employees or employees of a licensed utility company engaged in the performance of their duties; nor to workers engaged in the performance of their duties pursuant to a valid contract with the *City*; nor to construction workers working under a valid permit issued by proper authorities; provided further, it *shall* not be unlawful to build or ignite fires in cooking pits, fireplaces or other areas on *City*-owned or controlled *property* designated by the *City* as areas for fires, cooking or burning.

(Code 1959, §15-49)

Open Flame Restriction

The portions of City property used by businesses to extend their outdoor seating are not areas designated for fires, cooking or burning nor will they become acceptable locations. No cooking or open flames are permitted in the outdoor seating areas. An alternative option would be to use portable heaters. Please reference page 22 of this guide, which includes portable heater safety guidelines. It is the responsibility of businesses to procure portable heaters in accordance with North Carolina Fire Code.

