



California State Fire Marshal **CODE INTERPRETATION**

Date Issued	12/19/11	Interpretation	11-019
Topic	Flame Resistant Requirements for Canopies / Tents		
Code Section(s)	Title 19, California Code of Regulations, Section 310(a) 2010 California Fire Code, Chapter 24, Section 2402.1		
Requested by	Jill Femister, International E-Z UP Inc. 1601 Iowa Avenue Riverside, California 92507 Phone: (951) 779-2329 jillfemister@ezup.com		

1. **Are all canopies that are used in a place of assemblage required to be flame resistant, whether or not they are required to have a permit from the local authority?**

Yes, regardless of the requirement for a permit, canopies would meet the definition of a tent and therefore required to be flame retardant in accordance with California Code of Regulations, Title 19, Section 310. This section was written to comply with Health and Safety Code Section 13115 for the required use and are made from a nonflammable material or are treated and maintained in a flame retardant condition in public assembly's of 10 or more persons.

2. **If all canopies, whether or not they are required to obtain a permit from the local authority, are required to be flame resistant, should the flame resistant requirements be per California Code of Regulations Title 19?**

Yes, canopies used for assembly purposes of 10 or more persons must be of nonflammable material or must be treated and maintained in a flame-retardant condition in accordance with California Code of Regulations, Title 19, Chapter 8. For small tents of less than 10 persons, CPAI-84 is an acceptable test method (California Code of Regulations, Title 19, Section 332).

3. **If California Code of Regulations Title 19 is the applicable standard for canopies, what is the definition of a "Large" canopy and a "Small" canopy?**

California Code of Regulations, Title 19 does not specifically define small or large canopies. However, Health and Safety Code 13115(a) specifies that tents, awnings or other fabric enclosures used for assemblage of 10 or more persons must be made from a nonflammable material or treated and maintained in a flame retardant condition. Fabric enclosures would include canopies with a fabric covering. Health and Safety Code Section 13115 (b) is specific only to “tents” occupied by less than 10 persons.

4. **Would we be correct in saying that the determination of whether a tent (canopy) is considered “large” or “small” is dependant upon the number of people who have assembled under the tent (canopy) at that time?**

Yes (Health and Safety Code Section 13115)

5. **Would it be correct to say that as long as the occupancy under the tent (canopy) is maintained at less than 10 persons, the tent (canopy) will be considered a “small” tent (canopy).**

Yes.

Note: California Code of Regulations, Title 19 Articles 2 and 3 defines tents based upon occupant load, not use. Since California Code of Regulations, Title 19 is silent regarding use, the California Building Code 2010 edition, Section 1004 Table 1004.1.1 should be utilized to calculate the occupant load, based upon use. This table gives a maximum square footage for each person for a particular occupancy. It is NOT within the purview of the State Fire Marshal to mandate the occupant load of a particular tent, but rather, it is a requirement of the manufacture to set the occupant load and label it accordingly. State Fire Marshal regulations mandate the labeling requirements based upon the manufactures stated occupant load.

If the manufacturer chooses to only use the CPAI-84 label then the tent is limited to less than 10 people as the CPAI-84 label, by definition, specifies the occupancy load for a tent. It is up to the authority having jurisdiction (AHJ) or Fire Code Official as far as the enforcement of the occupant loading based upon the label.