

## NEW YORK CITY FIRE DEPARTMENT

### **Notice of Public Hearing and Opportunity to Comment on Proposed Rule**

**What are we proposing?** The Fire Department is proposing to:

- (1) repeal four Fire Department rules relating to matters that have either been superseded by Local Law 187 of 2017 or are now addressed in the 2022 Fire Code;
- (2) renumber 39 Fire Department rules to conform to the new numbering of the 2022 New York City Fire Code;
- (3) amend 32 Fire Department rules to conform to, or implement, the provisions of the 2022 Fire Code;
- (4) amend three Fire Department rules to conform to the New York City Building Code, as amended by Local Law 126 of 2021; and
- (5) ease the impact of regulations on small businesses, without compromising fire and life safety, by reducing the penalty for first-time violations of the Fire Code associated with Violation Category 19, enforced by a Fire Department Summons returnable before the Office of Administrative Tribunals and Hearings (OATH).

**When and where is the hearing?** The Fire Department will conduct a virtual public hearing, using the “GoToMeeting” application, as set forth below. The public hearing will take place at **11:00 a.m. on Tuesday, May 23, 2023.**

**How do I comment on the proposed rule?** Anyone can comment on the proposed rules by:

- **Website** - You can submit comments to the Fire Department through the NYC rules website at <http://rules.cityofnewyork.us>, or on the “FDNY Rules” page of the Fire Department’s website, <http://www1.nyc.gov/site/fdny/codes/fire-department-rules/fire-dept-rules.page>.
- **Mail** - You can mail written comments to Code Development Unit, Bureau of Fire Prevention, New York City Fire Department, 9 MetroTech Center, Room 3N2, Brooklyn, NY 11201.
- **Speaking at the hearing** - Anyone who wants to comment on the proposed rule at the on-line public hearing must sign up by emailing [code.develop@fdny.nyc.gov](mailto:code.develop@fdny.nyc.gov). You will receive by reply email a link to the GoToMeeting and call-in information. The time for which you can speak at the hearing may be limited.

Join through Internet:

To join the hearing, use your Internet browser to click on the URL link that will be sent to you (or copy the link and paste it into your browser’s address bar). Then follow the prompts to enter the meeting password and attendee ID.

When joining the meeting, choose either “use computer for audio” or “call in” for the audio portion of the public hearing. The information needed to connect (phone number, access code and/or attendee ID) will be provided after you join the GoToMeeting. If you have low bandwidth or inconsistent Internet connection, we suggest you use the “call-in” option.

Join by phone only (call-in option):

To join the hearing only by phone, use the phone number and access code that you will receive by reply email.

**Is there a deadline to submit written comments?** Yes, you must submit written comments by **Tuesday, May 23, 2023.**

**What if I need assistance to participate in the hearing?** You must notify the Bureau of Fire Prevention if you need a sign language interpreter or other reasonable accommodation for a disability at the hearing. Write to us at the address above or telephone us at (718) 999-2042. Advance notice is requested to allow sufficient time to arrange the accommodation. Please notify us by **Tuesday, May 9, 2023.**

**Can I review the comments made on the proposed rule?** You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us>. A few days after the hearing, a record of the hearing and copies of the written comments will be available to the public at the Bureau of Fire Prevention.

**What authorizes the Fire Department to make this rule?** Section 1043(a) of the New York City Charter and Section 102.6.3 of the New York City Fire Code (Title 29 of Administrative Code of the City of New York) authorize the Fire Department to propose this rule.

**Where can I find the Fire Department rules?** The Fire Department rules are codified in Title 3 of the Rules of the City of New York and can be viewed on the Fire Department’s website at [www.nyc.gov/fdny](http://www.nyc.gov/fdny) and at <http://rules.cityofnewyork.us>.

**What laws govern the rulemaking process?** The Fire Department must meet the requirements of Section 1043 of the New York City Charter when creating or changing rules. This notice is made in accordance with the requirements of Section 1043(b) of the New York City Charter. The proposed rule was included in the agency regulatory agenda.

**Statement of Basis and Purpose of Proposed Rule**

The New York City Fire Code, codified in Chapter 2 of Title 29 of the New York City Administrative Code, was extensively revised by Local Law No. 47 of 2022 (“Local Law 47”). The proposed rule would amend the Fire Department’s rules (codified in Title 3 of the Rules of the City of New York) to conform to and implement the provisions of the amended code, commonly referred to as the 2022 Fire Code.

Additionally, the proposed rule would amend Fire Department rules to conform to the New York City Building Code, codified in Chapter 1 of Title 27 of the New York City Administrative Code, as amended by Local Law 126 of 2021.

The proposed rule would also reduce the penalty for first-time violations of the Fire Code associated with Violation Category 19 enforced by a Fire Department Summons returnable before the Office of Tribunals and Hearings (OATH). The proposed reduction is one aspect of a broader initiative, Small Business Forward (SBF), to reduce regulatory burdens on small businesses. As part of the SBF initiative, the Fire Department was one of seven enforcement agencies which conducted a review of its existing violations that are most frequently enforced through the issuance of notices of violations, and to the extent practicable, identified those violations that could be repealed or modified to reduce regulatory burdens, increase equity, and support small businesses.

Conforming Fire Department Rules to the Fire Code

The proposed rule will conform Fire Department rules to the 2022 Fire Code in several ways.

First, the Fire Department is proposing to repeal four sections of the Fire Department’s rules, either because their content was incorporated into the Fire Code by Local Law 47 or superseded by Local Law 187 of 2017. The Fire Department rules that are proposed to be repealed and the 2022 Fire Code sections that replace them (or other basis for proposed repeal) are set forth in Table 1:

**Table 1. Fire Department Rules Proposed to be Repealed**

Item No.	Fire Department Rules Proposed to be Repealed	Applicable 2022 Fire Code Section and/or Basis for Proposed Repeal	Applicable Section in Proposed Rule
1	3 RCNY §310-01, entitled “Designated Smoking Rooms in Hospitals, Nursing Homes, Rehabilitation Facilities and Similar Medical Facilities Housing the Ill, Aged and Infirm”	Superseded by Local Law 187 of 2017.	§1
2	3 RCNY §2211-01, entitled “Repair Garages For Vehicles Fueled by Lighter-Than-Air Fuels”	Incorporated into FC 2311.8	§2
3	3 RCNY §4601-01, entitled “New and Amended Fees”	Incorporated into FC Appendix A	§3
4	3 RCNY §4702-01, entitled “National Fire Protection Association Referenced Standards”	Incorporated into FC Appendix B01.1	§4

Second, 39 Fire Department rules are proposed to be amended to renumber the chapter numbers (starting with FC Chapter 11) to conform to the 2022 Fire Code, which was amended by Local Law 47 of 2022 to conform to the numbering of the model International Fire Code. Similarly,

various sections of Title 3 of the Rules of the City of New York currently held in reserve are proposed to be amended to conform to the renumbering of chapters in the 2022 Fire Code. In each chapter starting with FC Chapter 11, section numbers are also proposed to be amended to conform to the proposed renumbering of the chapter numbers. These proposed changes are set forth in §§5-48 of the proposed rule and summarized in Table 2:

**Table 2. Chapter and Section Numbers in 3 RCNY Proposed to Be Renumbered**

Existing 3 RCNY Chapter (based on 2014 Fire Code)	Proposed 3 RCNY Chapter (based on 2022 Fire Code)	Chapter Name	Current 3 RCNY Section No.	Proposed 3 RCNY Section No.	Section Name
11	20	Aviation Facilities And Operations	<i>Not applicable</i>	<i>Not applicable</i>	Reserved
12	21	Dry Cleaning	1201-1208	2101-2108	Reserved
13	22	Combustible Dust-Producing Operations	1301-1304	2201-2204	Reserved
14	33	Fire Safety During Construction, Alteration And Demolition	1401-01	3301-01	Enforcement of Fire Safety at Construction Sites
			1402	3302	Reserved
			1403-01	3303-01	Portable Space Heaters Fueled By Piped Natural Gas at Construction Sites
			1404	3304	Reserved
			1405-01	3305-01	Crane Aerial Fueling Operations
			1406-1407	3306-3307	Reserved
			1408-01	3308-01	Construction Site Fire Safety Manager
			1409-1418	3309-3318	Reserved
15	24	Flammable Finishes	1501-1511	2401-2411	Reserved
16	25	Fruit And Crop Ripening	1601-1607	2501-2507	Reserved
17	26	Fumigation And Insecticidal Fogging	1701-1702	2601-2602	Reserved
			1703-01	2603-01	Fumigation and Insecticidal Fogging
18	27	Semiconductor Fabrication Facilities	1801-1805	2701-2705	Reserved

Existing 3 RCNY Chapter (based on 2014 Fire Code)	Proposed 3 RCNY Chapter (based on 2022 Fire Code)	Chapter Name	Current 3 RCNY Section No.	Proposed 3 RCNY Section No.	Section Name
19	28	Lumber Yards And Wood Waste Materials	1901-1909	2801-2809	Reserved
20	29	Manufacture Of Organic Coatings	2001-2009	2901-2909	Reserved
21	30	Industrial Furnaces	2101-2107	3001-3007	Reserved
22	23	Motor Fuel-Dispensing Facilities And Repair Garages	2201-2203	2301-2303	Reserved
			2204-01	2304-01	Self-Service Automotive Liquid Motor Fuel-Dispensing Facilities
			2205-01	2305-01	Underground Liquid Motor Fuel Storage Tanks at Motor Fuel-Dispensing Facilities
			2206-01	2306-01	Design and Installation of Liquid Motor Fuel-Dispensing Systems at Motor Fuel-Dispensing Facilities
			2206-02	2306-02	Leak Detection System Functionality Testing
			2207	2307	Reserved
			2208-01	2308-01	Mobile Compressed Natural Gas Motor Fuel Systems
			2208-02	2308-02	Self-Service Compressed Natural Gas Motor Fuel-Dispensing Facilities
			2209-2210	2309-2310	Reserved
23	32	High-Piled Combustible Storage	2301-2310	3201-3210	Reserved
24	31	Tents And Other Membrane Structures	2401-2404	3101-3104	Reserved
25	34	Tire Rebuilding And Tire Storage	2501-2509	3401-3409	Reserved
26	35	Welding And	2601-2603	3501-3503	Reserved

Existing 3 RCNY Chapter (based on 2014 Fire Code)	Proposed 3 RCNY Chapter (based on 2022 Fire Code)	Chapter Name	Current 3 RCNY Section No.	Proposed 3 RCNY Section No.	Section Name
		Other Hot Work	2604-01	3504-01	Hot Work in Repair Garages
			2605-01	3505-01	Use of Oxygen and a Flammable Gas in Citywide Hot Work Operations
			2606-2608	3506-3508	Reserved
			2609-01	3509-01	Piped Natural Gas and Oxygen Consuming Devices and Installations
27	50	Hazardous Materials – General Provisions	2701-2705	5001-5005	Reserved
			2706-01	5006-01	Non-Production Laboratories
			2707-01	5007-01	Transportation of Explosives by Motor Vehicles
			2707-02	5007-02	Transportation by Motor Vehicle of Hazardous Materials in Continuous Transit Through New York City or For Transshipment From New York City
28	51	Aerosols	2801-2806	5101-5106	Reserved
29	37	Combustible Fibers	2901-2906	3701-3706	Reserved
30	53	Compressed Gases	3001-3003	5301-5303	Reserved
			3004-01	5304-01	Use of Carbon Dioxide in Beverage Dispensing Systems
			3004-02	5304-02	Anhydrous Ammonia
			3005-3008	5305-5309	Reserved
31	54	Corrosive Materials	3101-3105	5401-5405	Reserved
32	55	Cryogenic Fluids	3201-3206	5501-5506	Reserved
33	56	Explosives, Fireworks And Special Effects			Reserved
34	57	Flammable And Combustible	3401-3403	5701-5703	Reserved

Existing 3 RCNY Chapter (based on 2014 Fire Code)	Proposed 3 RCNY Chapter (based on 2022 Fire Code)	Chapter Name	Current 3 RCNY Section No.	Proposed 3 RCNY Section No.	Section Name
		Liquids	3404-01	5704-01	Out-of-Service Storage Systems
			3404-02	5704-02	Precision Testing of Certain Underground Storage Systems
			3404-03	5704-03	Indoor and Aboveground Combustible Liquid Storage Systems
			3405-01	5705-01	Storage and Use of Fuel Oil on Mobile Trailers for Heating and Power Generation
			3406-01	5706-01	Storage of Flammable and Combustible Liquids on Roofs at Construction Sites
35	58	Flammable Gases	3501-3507	5801-5807	Reserved
			3508-01	5811-01	Compressed Natural Gas
			3509-01	5809-01	Sanitary Landfill Methane Gas Recovery Facilities
			3510	5810	Reserved
36	59	Flammable Solids	3601-3605	5901-5905	Reserved
37	60	Highly Toxic And Toxic Materials	3701-3705	6001-6005	Reserved
38	61	Liquefied Petroleum Gases	3801-3808	6101-6108	Reserved
			3809-01	6109-01	Liquefied Petroleum Gases
39	62	Organic Peroxides	3901-3906	6201-6206	Reserved
40	63	Oxidizers, Oxidizing Gases And Oxidizing Cryogenic Fluids	4001-4006	6301-6306	Reserved
41	64	Pyrophoric Materials	4101-4107	6401-6406	Reserved
42	65	Pyroxylin Plastics	4201-4205	6501-6505	Reserved

Existing 3 RCNY Chapter (based on 2014 Fire Code)	Proposed 3 RCNY Chapter (based on 2022 Fire Code)	Chapter Name	Current 3 RCNY Section No.	Proposed 3 RCNY Section No.	Section Name
43	66	Unstable (Reactive) Materials	4301-4306	6601-6606	Reserved
44	67	Water Reactive Solids And Liquids	4401-4406	6701-6706	Reserved
45	80	Referenced Standards	4501-4502	8001-8002	Reserved
46	81	Fees	4601-01 Repealed	8101-01	Reserved
			4602-4603	8101-8103	Reserved
			4604-01	8104-01	Compensation for Operation of Auxiliary Fire Alarm Systems
47	82	Referenced Standard Modifications	4701-01	8201-01	Referenced Standard Modifications and Amendments Thereto
			4702-01 Repealed	8202	Reserved
48	83	Pre-Existing Facilities	4801-01	8301-01	Former Board of Standards and Appeals Rules
			4802-01	8302-01	Pre-Existing Definitions
			4803-01	8303-01	General Precautions Against Fire in Pre-Existing Facilities
			4804-01	8304-01	Pre-Existing Emergency Planning and Preparedness
			4805-4808	8305-8308	Reserved
			4809-01	8309-01	Fire Protection Systems in Pre-Existing Facilities
			4810-01	8310-01	Means of Egress in Pre-Existing Facilities
			4811-4821	8311-8321	Reserved
			4822-01	8322-01	Pre-Existing Motor Fuel-Dispensing Facilities and Repair Garages
			4823-4826	8323-8326	Reserved



Existing 3 RCNY Chapter (based on 2014 Fire Code)	Proposed 3 RCNY Chapter (based on 2022 Fire Code)	Chapter Name	Current 3 RCNY Section No.	Proposed 3 RCNY Section No.	Section Name
			4827-01	8327-01	Storage of Hazardous Materials in Pre-Existing Facilities
			4828-01	8328-01	Storage of Aerosols in Pre-Existing Facilities
			4829-01	8329-01	Storage of Combustible Fibers in Pre-Existing Facilities
			4830-01	8330-01	Storage of Compressed Gases in Pre-Existing Facilities
			4831-01	8331-01	Storage of Corrosive Materials in Pre-Existing Facilities
			4832-01	8332-01	Storage of Cryogenic Fluids in Pre-Existing Facilities
			4833-01	8333-01	Storage of Explosives and Special Effects in Pre-Existing Facilities
			4834-01	8334-01	Storage of Flammable and Combustible Liquids in Pre-Existing Facilities
			4835-01	8335-01	Storage of Flammable Gases in Pre-Existing Facilities
			4836-4837	8336-8337	Reserved
			4838-01	8338-01	Storage of Liquefied Petroleum Gases in Pre-Existing Facilities
			4839-01	8339-01	Storage of Organic Peroxides in Pre-Existing Facilities
			4840-4844	8340-8344	Reserved
49	84	Miscellaneous	4900-01	8400-01	Adjudications
			4900-02	8400-02	Schedule of Charges for Fire Department Ambulance Treatment and Transport Services

Third, the proposed rule will amend 32 Fire Department rules to conform to, or implement, the provisions of the 2022 Fire Code, as amended by Local Law No. 47 of 2022.

The Fire Department Rules that are proposed to be amended to make the editorial and cross reference number changes consistent with re-numbering of the 2022 Fire Code are set forth in Table 3.

**Table 3. Rules to be Amended to Conform/Implement 2022 Fire Code**

<u>Item No.</u>	<u>Fire Department Rule</u>	<u>Revision/Basis for Proposed Amendment</u>	<u>Applicable Section in Proposed Rule</u>
1	Subdivision (g) of 3 RCNY §102-01, entitled “Pre-Existing Facilities and Conditions”	To be amended consistent with the requirements of existing facilities provisions of the 2022 Fire Code.	§50
2	Subdivision (b) of 3 RCNY §112-01, entitled “Certificates of Approval”	To be amended to conform to 2022 Fire Code sections.	§51
3	Subdivision (c)(2)(B)(1) of 3 RCNY §113-05 entitled “Fire and Life Safety Director Training Courses”	To be amended to include reference to the 2022 Fire Code.	§52
4	Subdivision (d) of 3 RCNY §113-09 entitled “Non-Production Laboratory Certificate of Fitness”	To amend 3 RCNY §113-09 to cross-reference the renumbered 2022 Fire Code Section.	§53
5	Subdivision (c)(2) of 3 RCNY §113-10 entitled “Construction Site Fire Safety Manager Training Courses”	To amend 3 RCNY §113-10 to cross-reference the renumbered 2022 Fire Code Section.	§54
6	Subdivision (c)(2)(G) of 3 RCNY §113-12 entitled “Building Operation, Maintenance and Recordkeeping Training Courses”	To amend 3 RCNY §113-12 to cross-reference the newly adopted NFPA 72 section.	§55
7	Subdivision (c) of 3 RCNY §202-01 entitled “Definitions”	To repeal definitions of “Department of Buildings, Department of Environmental Protection, ECB, and Plumber,” terms which were incorporated into 2022 Fire Code §FC 202.	§56

8	Subdivision (c)(4), (g)(2)(A), (h), (i), (j)(2), (k) of 3 RCNY §308-01 entitled “Use of Open Flames in Group A Occupancies and Similar Public Gathering Places”	To amend 3 RCNY §308-01 to cross-reference the renumbered 2022 Fire Code sections and to adopt the terminology used in the 2022 Fire Code.	§57
9	Subdivisions (e)(2)(A)(2), (e)(2)(B), (e)(3)(C) of 3 RCNY §310-03 entitled “Hookah Establishments”	To amend 3 RCNY §310-03 to cross-reference the renumbered 2022 Fire Code Sections.	§58
10	Subdivisions (d)(2) and (e) of 3 RCNY §314-01 entitled “Indoor Display of Motor Vehicles and Watercraft”	To amend 3 RCNY §314-01 to conform to the amended requirements of 2022 Fire Code.	§59
11	Subdivisions (b)(2) and (d)(1) of 3 RCNY §401-07 entitled “Fire and Non-Fire emergency Drills”	To amend 3 RCNY §401-07 to be consistent with the requirements of 2022 Fire Code.	§60
12	Subdivisions (b)(2)(A), (b)(4)(C), (c) and (d)(1) of 3 RCNY §403-01, entitled “Fire Safety Precautions at Street Fairs and Similar Outdoor Public Gatherings”	To amend 3 RCNY §403-01 to cross reference the renumbered 2022 Fire Code Sections.	§61
13	Subdivisions (b)(2), (b)(3), (c)(2)(B), (d)(1), (d)(3)(A) & (B) of 3 RCNY §403-02, entitled “Theater Inspections, Maintenance and Recordkeeping”	To amend 3 RCNY §403-02 to cross reference the renumbered 2022 Fire Code Sections and to adopt the terminology used in the 2022 Fire Code.	§62
14	Subdivision (c) of 3 RCNY §404-03, entitled “Fire Safety Requirements for Sidewalk Cafes and Similar Public Gathering Places”	To renumber 3 RCNY §404-03 to 407-01 and to amend such rule to cross reference the renumbered 2022 Fire Code Section.	§63
15	Subdivisions (a), (b) of 3 RCNY §408-01, entitled “Residential Buildings With Non-Sequential or Non-Standard Floor Numbering”	To renumber 3 RCNY §408-01 to §406-01, and to amend such rule to incorporate new requirements, consistent with the 2022 Fire Code.	§64
16	3 RCNY § 511-01, entitled “In-Building Auxiliary Radio Communication Systems”	To renumber 3 RCNY §511-01 to §510-01 consistent with the renumbering of the 2022 Fire Code	§65

17	The term <i>stationary storage battery system</i> and subdivisions (c)(7)(A)(3), (c)(7)(B), (d)(2)(C), (g)(1)(B), (h)(3), (h)(4)(A) and (B), (i)(6)(A)(2) of 3 RCNY §608-01, entitled “Outdoor Stationary Storage Battery Systems”	To amend 3 RCNY §608-01 heading to read “Outdoor Stationary Energy Storage Systems,” to make similar amendments in various subdivisions of the section and to conform cross-references to renumbered Fire Code sections, and to otherwise amend the section consistent with the provisions of the 2022 Fire Code, including references to NFPA and UL standards.	§§ 66, 67
18	Subdivisions (b) and (g) of 3 RCNY §901-01 entitled, “Central Station Monitoring of Fire Alarm Systems”	To amend 3 RCNY 901-01 to cross reference new subsections.	§68
19	Subdivision (c)(5) of 3 RCNY §903-01 entitled, “Flow Testing of Residential Sprinkler Systems”	To amend 3 RCNY §903-01 to cross reference the renumbered 2022 Fire Code Sections.	§70
20	Subdivision (b) of 3 RCNY §2706-01, entitled “Non-Production Laboratories”	To be amended to cross reference the renumbered 2022 Fire Code section.	§71
21	Subdivisions (a)(3), (b)(1)(A), (b)(4), (c)(1), (d) and (e)(1) of 3 RCNY §3004-01, entitled “Use of Carbon Dioxide in Beverage Dispensing Systems”	To be renumbered and otherwise amended consistent with the 2022 Fire Code and to cross reference new subsections.	§76
22	Subdivision (b) of 3004-02 of 3 RCNY §3004-02, entitled “Anhydrous Ammonia”	To be renumbered and otherwise amended consistent with the renumbered 2022 Fire Code.	§77
23	Subdivisions (b)(2) and (c) of 3 RCNY §1401-01, entitled “Enforcement of Fire Safety at Construction Sites”	To be amended consistent with the 2022 Fire Code and cross reference the new subsections.	§72
24	Subdivision (b)(2) of 3 RCNY §1403-01 entitled, Portable Space Heaters Fueled By Piped Natural Gas at Construction Sites”	To be amended consistent with the 2022 Fire Code and cross reference the new subsections.	§73

25	Subdivisions (a), (b)(1), (c), (d) and (e) of 3 RCNY §1408-01, entitled “Construction Site Fire Safety Manager”	To be amended consistent with the 2022 Fire Code and cross reference the new subsections.	§74
26	Subdivisions (c)(2) and (c)(3) of 3 RCNY §3404-01, entitled “Out-of-Service Systems”	To be renumbered and otherwise amended consistent with the 2022 Fire Code and to cross reference new subsections.	§78
27	Subdivisions (a), (b)(1) and (b)(3)(B) of 3 RCNY §3404-02, entitled “Precision Testing of Certain Underground Storage Systems”	To be renumbered and otherwise amended consistent with the 2022 Fire Code and to cross reference new subsections.	§79
28	Subdivisions (b) and (c)(4)(B) of 3 RCNY §3404-03, entitled “Indoor and Aboveground Combustible Liquid Storage Systems”	To be renumbered and otherwise amended consistent with the 2022 Fire Code and cross reference new subsections.	§80
29	Subdivision (c)(2) of 3 RCNY § 3405-01, entitled “Storage and Use of Fuel Oil on Mobile Trailers for Heating and Power Generation”	To be renumbered and otherwise amended consistent with the 2022 Fire Code and cross reference new subsections.	§81
30	3 RCNY § 3508-01, entitled Compressed Natural Gas, and subdivisions (a), (b), (c)(3), (e)(1), (f)(3), (g)(1), (h)(1) and (j) of 3 RCNY §5811-01	To be amended consistent with the proposed renumbering of 3 RCNY §3508-01 to 5811-01 and to cross reference new subsections,	§82
31	3 RCNY Chapter 36	To amend 3 RCNY to establish a new chapter entitled “Marinas” consistent with 2022 Fire Code renumbering, and to incorporate into such chapter the requirements formerly set forth in 3 RCNY §301-01.	§§ 6, 75

32	Subdivisions (b)(2)(B), (b)(2)(C), (b)(2)(D), (b)(2)(E), (b)(2)(F), (d)(4), (h)(1) and (j)(7)(E) of 3 RCNY §3809-01, entitled “Liquified Petroleum Gases”	To amend cross-references to 3 RCNY §3809-01 to the proposed renumbered section numbers.	§83
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Conforming Fire Department Rules to the Building Code

The following Fire Department Rules are proposed to be amended to make the editorial and cross reference number changes consistent with the re-numbering of certain provisions of the 2022 Building Code.

**Table 4. Proposed Amendments to 3 RCNY to Conform to 2022 Building Code Numbering**

Item No.	Fire Department Rule	Revision/Basis for Proposed Amendment	<u>Applicable Section in Proposed Rule</u>
1	Subdivisions (d)(10)(A), (d)(10)(B), (d)(10)(D), (d)(10)(E), and (d)(10)(F) of 3 RCNY §901-04, entitled “Buildings Temporarily Occupied as Emergency Shelters”	To amend cross-references consistent with the numbering of the 2022 Building Code.	§69
2	Subdivision (c)(17) of 3 RCNY §1401-01, entitled “Enforcement of Fire Safety at Construction Sites” which is also proposed to be renumbered to 3301-01	To amend cross-reference consistent with the numbering of the 2022 Building Code.	§72
3	Subdivision (e) of 3 RCNY §1408-01, entitled “Construction Site Fire Safety Manager” which is also proposed to be renumbered to 3308-01.	To amend cross-references consistent with the numbering of the 2022 Building Code.	§74

Regulatory Reform: Small Business Forward

The Fire Department was one of seven enforcement agencies that reviewed its enforcement activity in accordance with Executive Order No. 2: Small Business Forward, dated January 4, 2022. In furtherance of the goal to reduce fines imposed upon business owners for first-time violations, without compromising health and safety, the proposed rule will reduce the first-time violation penalty associated with Violation Category 19, enforced by Fire Department Summonses returnable before OATH, from \$600 to \$575.

The Fire Department’s authority for this proposed rule is found in Sections 489 and 1043 of the New York City Charter and Section FC102.6.3 of the New York City Fire Code.

Terms used in the proposed rule that are defined in the Fire Code or elsewhere in the Fire Department's rules are indicated by *italics*.

New material is underlined.

Material to be deleted is in [brackets].

Asterisks (\*\*\*) indicate unamended text.

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Section 310-01 of Title 3 of the Rules of the City of New York, entitled “Designated Smoking Rooms in Hospitals, Nursing Homes, Rehabilitation Facilities and Similar Medical Facilities Housing the Ill, Aged and Infirm,” is proposed to be REPEALED.

§2. Section 2211-01 of Title 3 of the Rules of the City of New York, entitled “Repair Garages For Vehicles Fueled by Lighter-Than-Air Fuels,” is proposed to be REPEALED.

§3. Section 4601-01 of Title 3 of the Rules of the City of New York, entitled “New and Amended Fees,” is proposed to be REPEALED.

§4. Section 4702-01 of Title 3 of the Rules of the City of New York, entitled “Referenced Standard Modifications,” is proposed to be REPEALED.

§5. Title 3 of the Rules of the City of New York is proposed to be amended to establish a new Chapter 11 to be held in reserve, and to retitle Chapters 12-19 and hold them in reserve as follows:

Chapter 11: Reserved

Chapter 12: [Dry Cleaning] Reserved

Chapter 13: [Combustible Dust-Producing Operations] Reserved

Chapter 14: [Fire Safety During Construction, Alteration, and Demolition] Reserved

Chapter 15: [Flammable Finishes] Reserved

Chapter 16: [Fruit and Crop Ripening] Reserved

Chapter 17: [Fumigation and Insecticidal Fogging] Reserved

Chapter 18: [Semiconductor Fabrication Facilities] Reserved

Chapter 19: [Lumber Yards and Wood Waste Materials] Reserved

§6. Title 3 of the Rules of the City of New York is proposed to be amended to retitle Chapters 20 through 37 as follows:

Chapter 20 [Manufacture of Organic Coatings] Aviation Facilities and Operations

Chapter 21 [Industrial Furnaces] Dry Cleaning

Chapter 22 [Motor Fuel Dispensing Facilities and Repair Garages] Combustible Dust-Producing Operations

Chapter 23 [High-Piled Combustible Storage] Motor Fuel Dispensing Facilities and Repair Garages

Chapter 24 [Tents and Other Membrane Structures] Flammable Finishes

Chapter 25 [Tire Rebuilding and Tire Storage] Fruit and Crop Ripening

Chapter 26 [Welding and Other Hot Work] Fumigation and Insecticidal Fogging

Chapter 27 [Hazardous Materials – General Provisions] Semiconductor Fabrication Facilities

Chapter 28 [Aerosols] Lumbar Yards and Wood Waste Materials

Chapter 29 [Combustible Fibers] Manufacture of Organic Coatings

Chapter 30 [Compressed Gases] Industrial Furnaces

Chapter 31 [Corrosive Materials] Tents and Other Membrane Structures

Chapter 32 [Cryogenic Fluids] High-Piled Combustible Storage

\* \* \*

Chapter 34 [Flammable and Combustible Liquids] Tire Rebuilding and Tire Storage

Chapter 35 [Flammable Gases] Welding and Other Hot Work

Chapter 36 [Flammable Solids] Marinas

\* \* \*

§7. Title 3 of the Rules of the City of New York is proposed to be amended to retitle Chapters 38 and 39 and hold them in reserve as follows:

Chapter 38: [Liquefied Petroleum Gases] Reserved



Chapter 39: [Organic Peroxides] Reserved

§8. Chapter 40 of Title 3 of the Rules of the City of New York is proposed to be amended to be retitled to read as follows:

Chapter 40: [Oxidizers] Distilleries

§4001-4007 Reserved.

§9. Title 3 of the Rules of the City of New York is proposed to be amended to retitle Chapters 41-49 and to hold them in reserve as follows:

Chapter 41: [Pyrophoric Materials] Reserved

Chapter 42: [Pyroxylin Plastics] Reserved

Chapter 43: [Unstable (Reactive) Materials] Reserved

Chapter 44: [Water-Reactive Solids and Liquids] Reserved

Chapter 45: [Referenced Standards] Reserved

Chapter 46: [Fees] Reserved

Chapter 47: [Referenced Standard Modifications] Reserved

Chapter 48: [Pre-Existing Facilities] Reserved

Chapter 49: [Miscellaneous] Reserved

§10. Title 3 of the Rules of the City of New York is proposed to be amended to establish new chapters to be titled or held in reserve, as follows:

Chapter 33: Fire Safety During Construction, Alteration, and Demolition

\* \* \*

Chapter 37: Combustible Fibers

\* \* \*

Chapter 50: Hazardous Materials – General Provisions

Chapter 51: Aerosols

Chapter 52: Reserved

Chapter 53: Compressed Gases

Chapter 54: Corrosive Materials

Chapter 55: Cryogenic Fluids

Chapter 56: Explosives, Fireworks and Special Effects

Chapter 57: Flammable and Combustible Liquids

Chapter 58: Flammable Gases

Chapter 59: Flammable Solids

Chapter 60: Highly Toxic and Toxic Materials

Chapter 61: Liquefied Petroleum Gases

Chapter 62: Organic Peroxides

Chapter 63: Oxidizers, Oxidizing Gases and Oxidizing Cryogenic Fluids

Chapter 64: Pyrophoric Materials

Chapter 65: Pyroxylin Plastics

Chapter 66: Unstable (Reactive) Materials

Chapter 67: Water-Reactive Solids and Liquids

§11. Title 3 of the Rules of the City of New York is proposed to be amended to establish new chapters to be held in reserve as follows:

Chapter 68: Reserved

Chapter 69: Reserved

Chapter 70: Reserved

Chapter 71: Reserved

Chapter 72: Reserved

Chapter 73: Reserved

Chapter 74: Reserved

Chapter 75: Reserved

Chapter 76: Reserved

Chapter 77: Reserved

Chapter 78: Reserved

Chapter 79: Reserved

§12. Title 3 of the Rules of the City of New York is proposed to be amended to establish a new chapter number 80 to read as follows:

Chapter 80: Referenced Standards

§13. The sections in Chapter 12 of Title 3 of the Rules of the City of New York are proposed to be amended to be renumbered and incorporated in the amended Chapter 20 as follows:

[§ 1201-1208] § 2101-2108 Reserved.

§14. The sections in Chapter 13 of Title 3 of the Rules of the City of New York are proposed to be amended to be renumbered and incorporated in the amended Chapter 22 as follows:

[§ 1301-1304] § 2201-2204 Reserved.

§15. The sections in Chapter 14 of Title 3 of the Rules of the City of New York are proposed to be amended to be renumbered and incorporated in the amended Chapter 33 as follows:

[§ 1401-01] § 3301-01 Enforcement of Fire Safety at Construction Sites.

§ 3302 Reserved.

[§ 1403-01] § 3303-01 Portable Space Heaters Fueled By Piped Natural Gas at Construction Sites.

§ 3304 Reserved.

[§ 1405-01] § 3305-01 Crane Aerial Fueling Operations.

§ 3306-3307 Reserved.

[§ 1408-01] § 3308-01 Construction Site Fire Safety Manager.

§ 3309-3318 Reserved.

§16. The sections in Chapter 15 of Title 3 of the Rules of the City of New York are proposed to be amended to be renumbered and incorporated in the amended Chapter 24 as follows:

[§ 1501-1511] § 2401-2411 Reserved.

§17. The sections in Chapter 16 of Title 3 of the Rules of the City of New York are proposed to be amended to be renumbered and incorporated in amended Chapter 25 as follows:

[§ 1601-1607] § 2501-2507 Reserved.

§18. The sections in Chapter 17 of Title 3 of the Rules of the City of New York are proposed to be amended to be renumbered and incorporated in amended Chapter 26 as follows:

§ 2601-2602 Reserved.

[§ 1703-01] § 2603-01 Fumigation and Insecticidal Fogging.

§19. The sections in Chapter 18 of Title 3 of the Rules of the City of New York are proposed to be amended to be renumbered and incorporated in amended Chapter 27 as follows:

[§ 1801-1805] § 2701-2705 Reserved.

§20. The sections in Chapter 19 of Title 3 of the Rules of the City of New York are proposed to be amended to be renumbered and incorporated in amended Chapter 28 as follows:

[§ 1901-1909] § 2801-2809 Reserved.

§21. The sections in Chapter 20 of Title 3 of the Rules of the City of New York are proposed to be amended to be renumbered and incorporated in amended Chapter 29 as follows:

[§ 2001-2009] § 2901-2909 Reserved.

§22. The sections in Chapter 21 of Title 3 of the Rules of the City of New York are proposed to be amended to be renumbered and incorporated in amended Chapter 30 as follows:

[§ 2101-2107] § 3001-3007 Reserved.

§23. The sections in Chapter 22 of Title 3 of the Rules of the City of New York are proposed to be amended to be renumbered and incorporated in amended Chapter 23 as follows:

[§ 2201-2203] § 2301-2303 Reserved.

[§ 2204-01] § 2304-01 Self-Service Automotive Liquid Motor Fuel-Dispensing Facilities.

[§ 2205-01] § 2305-01 Underground Liquid Motor Fuel Storage Tanks at Motor Fuel-Dispensing Facilities.

[§ 2206-01] § 2306-01 Design and Installation of Liquid Motor Fuel-Dispensing Systems at Motor Fuel-Dispensing Facilities.

[§ 2206-02] § 2306-02 Leak Detection System Functionality Testing.

§ 2307 Reserved.

[§ 2208-01] § 2308-01 Mobile Compressed Natural Gas Motor Fuel Systems.

[§ 2208-02] § 2308-02 Self-Service Compressed Natural Gas Motor Fuel-Dispensing Facilities.

§ 2309-2310 Reserved.

§24. The sections in Chapter 23 of Title 3 of the Rules of the City of New York are proposed to be amended to be renumbered and incorporated in amended Chapter 32 as follows:

[§ 2301-2310] § 3201-3210 Reserved.

§25. The sections in Chapter 24 of Title 3 of the Rules of the City of New York are proposed to be amended to be renumbered and incorporated in amended Chapter 31 as follows:

[§ 2401-2404] § 3101-3104 Reserved.

§26. The sections in Chapter 25 of Title 3 of the Rules of the City of New York are proposed to be amended to be renumbered and incorporated in amended Chapter 34 as follows:

[§ 2501-2509] § 3401-3409 Reserved.

§27. The sections in Chapter 26 of Title 3 of the Rules of the City of New York are proposed to be amended to be renumbered and incorporated in amended Chapter 35 as follows:

§ 3501-3503 Reserved.

[§ 2604-01] § 3504-01 Hot Work in Repair Garages.

[§ 2605-01] § 3505-01 Use of Oxygen and a Flammable Gas in Citywide Hot Work Operations.

§ 3506-3508 Reserved.

[§ 2609-01] § 3509-01 Piped Natural Gas and Oxygen Consuming Devices and Installations.

§28. The sections in Chapter 27 of Title 3 of the Rules of the City of New York are proposed to be amended to be renumbered and incorporated in amended Chapter 50 as follows:

§ 5001-5005 Reserved.

[§ 2706-01] § 5006-01 Non-Production Laboratories.

[§ 2707-01] § 5007-01 Transportation of Explosives by Motor Vehicles.

[§ 2707-02] § 5007-02 Transportation by Motor Vehicle of Hazardous Material in Continuous Transit Through New York City or For Transshipment From New York City.

§29. The sections in Chapter 28 of Title 3 of the Rules of the City of New York are proposed to be amended to be renumbered and incorporated in amended Chapter 51 as follows:

§5101-5106 Reserved.

§30. The sections in Chapter 29 of Title 3 of the Rules of the City of New York are proposed to be amended to be renumbered and incorporated in amended Chapter 37 as follows:

[§ 2901-2906] §3701-3706 Reserved.

§31. The sections in Chapter 30 of Title 3 of the Rules of the City of New York are proposed to be amended to be renumbered and incorporated in amended Chapter 53 as follows:

§ 5301-5303 Reserved.

[§ 3004-01] § 5304-01 Use of Carbon Dioxide in Beverage Dispensing Systems.

[§ 3004-02] § 5304-02 Anhydrous Ammonia.

§ 5305-5309 Reserved.

§32. The sections in Chapter 31 of Title 3 of the Rules of the City of New York are proposed to be amended to be renumbered and incorporated in amended Chapter 54 as follows:

[§ 3101-3105] § 5401-5405 Reserved.

§33. The sections in Chapter 32 of Title 3 of the Rules of the City of New York are proposed to be amended to be renumbered and incorporated in amended Chapter 55 as follows:

[§ 3201-3206] § 5501-5506 Reserved.

§34. The sections in Chapter 34 of Title 3 of the Rules of the City of New York are proposed to be amended to be renumbered and incorporated in amended Chapter 57 as follows:

§ 5701-5703 Reserved.

[§ 3404-01] § 5704-01 Out-of-Service Storage Systems.

[§ 3404-02] § 5704-02 Precision Testing of Certain Underground Storage Systems.

[§ 3404-03] § 5704-03 Indoor and Aboveground Combustible Liquid Storage Systems.

[§ 3405-01] § 5705-01 Storage and Use of Fuel Oil on Mobile Trailers for Heating and Power Generation.

[§ 3406-01] §5706-01 Storage of Flammable and Combustible Liquids on Roofs at Construction Sites.

§35. The sections in Chapter 35 of Title 3 of the Rules of the City of New York are proposed to be amended to be renumbered and incorporated in amended Chapter 58 as follows:

§ 5801-5807 Reserved.

[§ 3508-01] § 5811-01 Compressed Natural Gas.

[§ 3509-01] § 5809-01 Sanitary Landfill Methane Gas Recovery Facilities.

§ 5810 Reserved.

§36. The sections in Chapter 36 of Title 3 of the Rules of the City of New York are proposed to be amended to be renumbered and incorporated in amended Chapter 59 as follows:

§ 5901-5905 Reserved.

§37. The amended Chapter 60 is proposed to be amended to establish new sections to be held in reserve as follows:

§ 6001-6005 Reserved.

§38. The sections in Chapter 38 of Title 3 of the Rules of the City of New York are proposed to be amended to be renumbered and incorporated in amended Chapter 61 as follows:

§ 6101-6108 Reserved.

[§ 3809-01] § 6109-01 Liquefied Petroleum Gases

§39. The sections in Chapter 39 of Title 3 of the Rules of the City of New York are proposed to be amended to be renumbered and incorporated in amended Chapter 62 as follows:

[§ 3901-3906] § 6201-6206 Reserved.

§40. The sections in Chapter 40 of Title 3 of the Rules of the City of New York are proposed to be amended to be renumbered and incorporated in amended Chapter 63 as follows:

[§ 4001-4006] § 6301-6306 Reserved.

§41. The sections in Chapter 41 of Title 3 of the Rules of the City of New York are proposed to be amended to be renumbered and incorporated in amended Chapter 64 as follows:

[§ 4101-4107] § 6401-6406 Reserved.

§42. The sections in Chapter 42 of Title 3 of the Rules of the City of New York are proposed to be amended to be renumbered and incorporated in amended Chapter 65 as follows:

[§ 4201-4205] §6501-6505 Reserved.

§43. The sections in Chapter 43 of Title 3 of the Rules of the City of New York are proposed to be amended to be renumbered and incorporated in amended Chapter 66 as follows:

[§ 4301-4306] §6601-6606 Reserved.

§44. The sections in Chapter 44 of Title 3 of the Rules of the City of New York are proposed to be amended to be renumbered and incorporated in amended Chapter 67 as follows:

[§ 4401-4406] § 6701-6706 Reserved.

§45. The sections in Chapter 45 of Title 3 of the Rules of the City of New York are proposed to be amended to be renumbered and incorporated in amended Chapter 80 as follows:

[§ 4501-4502] § 8001-8002 Reserved.

§46. The sections in Chapter 46 of Title 3 of the Rules of the City of New York are proposed to be amended to be renumbered and incorporated in amended Chapter 81 as follows:

[§ 4601-01] § 8101-01 New and Amended Fees.

§ 8102-8103 Reserved.

[§4604-01] § 8104-01 Compensation for Operation of Auxiliary Fire Alarm Systems [(Effective July 1, 2009)].

§47. The sections in Chapter 47 of Title 3 of the Rules of the City of New York are proposed to be amended to be renumbered and incorporated in amended Chapter 82 as follows:

[§ 4701-01] § 8201-01 Referenced Standard Modifications and Amendments Thereto.

§8202 Reserved.

§48. The sections in Chapter 48 of Title 3 of the Rules of the City of New York are proposed to be amended to be renumbered and incorporated in amended Chapter 83 as follows:

[§ 4801-01] § 8301-01 Former Board of Standards and Appeals Rules.

[§ 4802-01] § 8302-01 Pre-Existing Definitions.

[§ 4803-01] § 8303-01 General Precautions Against Fire in Pre-Existing Facilities.



[§ 4804-01] § 8304-01 Pre-Existing Emergency Planning and Preparedness.

§ 8305-8308 Reserved.

[§ 4809-01] § 8309-01 Fire Protection Systems in Pre-Existing Facilities.

[§ 4810-01] § 8310-01 Means of Egress in Pre-Existing Facilities.

§ 8311-8321 Reserved.

[§ 4822-01] § 8322-01 Pre-Existing Motor Fuel-Dispensing Facilities and Repair Garages.

§ 8323-8326 Reserved.

[§ 4827-01] § 8327-01 Storage of Hazardous Materials in Pre-Existing Facilities.

[§ 4828-01] § 8328-01 Storage of Aerosols in Pre-Existing Facilities.

[§ 4829-01] § 8329-01 Storage of Combustible Fibers in Pre-Existing Facilities.

[§ 4830-01] § 8330-01 Storage of Compressed Gases in Pre-Existing Facilities.

[§ 4831-01] § 8331-01 Storage of Corrosive Materials in Pre-Existing Facilities.

[§ 4832-01] § 8332-01 Storage of Cryogenic Fluids in Pre-Existing Facilities.

[§ 4833-01] § 8333-01 Storage of Explosives and Special Effects in Pre-Existing Facilities.

[§ 4834-01] § 8334-01 Storage of Flammable and Combustible Liquids in Pre-Existing Facilities.

[§ 4835-01] § 8335-01 Storage of Flammable Gases in Pre-Existing Facilities.

§ 8336-8337 Reserved.

[§ 4838-01] § 8338-01 Storage of Liquefied Petroleum Gases in Pre-Existing Facilities.

[§ 4839-01] § 8339-01 Storage of Organic Peroxides in Pre-Existing Facilities.

§ 8340-8344 Reserved.

§49. The sections in Chapter 49 of Title 3 of the Rules of the City of New York are proposed to be amended to be renumbered and incorporated in amended Chapter 84 as follows:

[§ 4900-01] § 8400-01 Adjudications.

[§ 4900-02] § 8400-02 Schedule of Charges for Fire Department Ambulance Treatment and Transport Services.

§50. Subdivision (g) of §102-01 of Title 3 of the Rules of the City of New York is proposed to be amended to read as follows:

**102-01 Pre-Existing Facilities and Conditions**

- (g) Projects In Progress

(5) Approved facilities completed prior to April 15, 2022. The design and installation of a facility, the construction of which was completed and/or approved for use or occupancy by the Department of Buildings on or after April 15, 2022, and which would not be allowed and could not be approved under the applicable provisions of the Fire Code and the rules, shall be deemed a pre-existing facility under the following circumstances and subject to the following conditions:

(A) The design of the facility shall have been approved by the Department of Buildings and a work permit issued by that agency for the construction thereof prior to April 15, 2022;

(B) The design of the facility to be constructed was in compliance with all applicable provisions of the Fire Code and Fire Department rules in effect at the time such work permit was issued; and

(C) Construction of the facility is completed and its use and occupancy approved prior to April 15, 2023.

(6) Approved facilities completed after April 15, 2023. The design and installation of a facility otherwise eligible to be deemed a pre-existing facility pursuant to R102-01(g)(5), except that construction of the facility was not completed, and/or its use and occupancy was not approved, prior to April 15, 2023, shall be deemed a pre-existing facility under the following circumstances and subject to the following conditions:

(A) A showing satisfactory to the Department that compliance with the applicable provisions of the Fire Code and rules would be an undue hardship; and

(B) Compliance with approved measures to ameliorate the fire safety concerns arising from non-compliance with the Fire Code and rule design requirements constituting the undue hardship; and

- (C) Construction of the facility is completed and its use and occupancy approved prior to April 15, 2023, except that such deadline may be extended by modification upon a satisfactory showing that construction could not be reasonably completed by such date, and the construction continues to be authorized under the work permit issued by the Department of Buildings.

§51. Subdivision (b) of §112-01 of Title 3 of the Rules of the City of New York is proposed to be amended to read as follows:

### **112-01 Certificates of Approval**

\* \* \*

#### **(b) General Provisions**

(1) Certificate of approval required. [The following] A certificate of approval is required for the articles, equipment and devices set forth in FC112.1, ventilated metal lockers used for the storage of liquefied petroleum gases, and such other articles, equipment and devices that are required to be of a type for which a certificate of approval must be [has been] issued[:

- (A) Flame-retardant chemicals and treatments, as set forth in FC801.8.
- (B) Bars, grills, grates or similar devices placed over emergency escape and rescue openings, and openings onto fire escapes, as set forth in FC1025.5.
- (C) Pre-engineered non-water fire extinguishing systems, including foam fire extinguishing systems, as set forth in FC901.4.5(1).
- (D) Prefabricated hoods and grease filters installed in connection with commercial cooking systems, as set forth in FC901.4.5(2).
- (E) Fire Department connections, standpipe system hose outlets and pressure reducing valves, as set forth in FC901.4.5(3).
- (F) Fire alarm system control panels, as set forth in FC901.4.5(4).
- (G) Pre-manufactured spray rooms and pre-manufactured spray booths, as set forth in FC 1504.1.1.2 and 1504.1.2.6, respectively.
- (H) Ventilated metal lockers used for the storage of liquefied petroleum gases, as set forth in this section].

§52. Subdivision (c)(2)(B)(I) of §113-05 of Title 3 of the Rules of the City of New York is proposed to be amended to read as follows:

### 113-05 Fire and Life Safety Director Training Courses

\* \* \*

- (c) Course Structure, Required Hours and Topics of Instruction *FLS* director training courses shall be organized and conducted to address general topics and fire safety, followed by non-fire emergencies. *FLS* director training courses shall provide not less than 31 hours of training, as follows: four (4) hours in general topics, 16 hours in fire safety, and 11 hours in non-fire emergencies (Emergency Action Plan training).

\* \* \*

- (2) Fire safety training. *FLS* director training courses shall, at a minimum, provide not less than 16 hours of instructional training in fire safety, of which not less than two (2) hours shall consist of practical skills exercise/hands-on demonstrations. *FLS* director training courses shall provide instruction in the following fire safety topics:

\* \* \*

(B) Legal requirements

- (I) Local Law Nos. 5 of 1973, 16 of 1984, 41 of 1978, 58 of 1987, [and] 26 of 2004, and the 2008, [and] 2014, and 2022 Fire Codes, including any amendments thereto

§53. Subdivision (d) of §113-09 of Title 3 of the Rules of the City of New York is proposed to be amended to read as follows:

### 113-09 Non-Production Laboratory Certificates of Fitness

\* \* \*

- (d) Special Application Requirements. In addition to the applicable requirements set forth in FC113, applicants shall demonstrate to the satisfaction of the *Department* that they have received training relating to the safe storage, *handling* and use of *hazardous materials*, including training in the requirements of [FC2706] FC5006 and any *rules* promulgated pursuant to such section.

§54. Subdivision (c)(2) of §113-10 of Title 3 of the Rules of the City of New York is proposed to be amended to read as follows:

### 113-10 Construction Site Fire Safety Manager Training Courses

\* \* \*

- (c) Required Hours and Topics of Instruction

\* \* \*

(2) Training courses shall provide instruction in the following topics, and such other topics as the Department may from time to time designate by written notice to accredited training course providers:

(A) Introduction to the Fire Code and Fire Department Rules, including their organization and terminology.

(B) Fire Code *construction site* provisions (FC Chapter [14] 33 and 3 RCNY Chapter [14] 33).

(C) All *construction site* fire safety requirements, as set forth in 3 RCNY [1401-01(c)] 3301-01(c).

§55. Subdivision (c)(2) of §113-12 of Title 3 of the Rules of the City of New York is proposed to be amended to read as follows:

**113-12 Building Operation, Maintenance and Recordkeeping Training Courses**

(c) Required Hours and Topics of Instruction

\* \* \*

(2) Training courses shall provide instruction in the following Fire Code, *Building Code*, and *rule* requirements associated with building operation[s] and maintenance[;]:

\* \* \*

(G) *fire alarm systems*, including Chapter [10]14 of NFPA 72

§56. Subdivision (c) of §202-01 of Title 3 of the Rules of the City of New York is proposed to be amended to read as follows:

**202-01 Definitions**

\* \* \*

(c) Definitions

**Administrative Code.** New York City Administrative Code.

**Alarm service.** [See R901-01(b).] The service provided by a central station company commencing upon the transmission from the protected premises of an alarm signal, a supervisory signal, or a trouble signal.

**Appendix Q.** Section 24.5.2 of Appendix Q to the *Building Code*, as codified in *Department of Buildings* rule 1 RCNY 3616-04. *Appendix Q* amends NFPA Standard 72, a Referenced Standard to the *Building Code* and Fire Code.

**Approved central station company.** [See R901-01(b).] A central station company that has been issued a valid *certificate of operation*.

**ARC system.** An in-building auxiliary radio communication system.

**Asphalt melter.** An approved device designed to heat asphalt, typically for waterproofing operations, that, utilizing a flammable gas or a combustible liquid, generates an enclosed flame that indirectly heats a vessel containing the asphalt.

**Base station.** A transceiver that receives radio signals from an antenna system and retransmits them through the antenna system in an amplified and/or otherwise enhanced manner.

**Building core fire alarm system.** Fire alarm system devices and equipment in and around the central or main building stairwells, elevators and utility risers of any buildings, except buildings classified in *Occupancy Group R-3*.

The following fire alarm system devices and equipment are considered to be part of the building core fire alarm system:

- (1) Fire alarm control unit, including booster panels and data gathering panels.
- (2) Central station communications devices and equipment.
- (3) Elevator recall initiating devices and equipment.
- (4) Automatic smoke control and pressurization devices and equipment.
- (5) Sprinkler water flow and tamper switch devices and equipment.
- (6) Fire detection devices in electrical, elevator, mechanical and telephone equipment rooms serving building core spaces and systems, excluding equipment rooms serving tenant business operations.
- (7) Manual fire alarm boxes at or near stairwells.
- (8) Warden phones and firefighter phones.
- (9) Duct detectors and fan shutdown relays for any HVAC unit greater than 2000 cubic feet/minute (cfm) serving building core spaces and systems.
- (10) Notification appliances in building core areas and means of egress stairwells.

**Bureau of Fire Prevention.** Bureau of Fire Prevention of the New York City Fire Department.

**Central station company.** [See R901-01(b).] A person or entity engaged in the operation of a *central station*.

**Central station signaling system.** [See R901-01(b).] A system comprised of the *protective signaling system* at the *protected premises*, the *central station* physical plant, the exterior communications channels, and satellite stations, if any.

**Certification of corrected defects.** Certification by licensed or certified professionals, in accordance with R104-04, that a defect cited by the *Department* in the design and/or installation of a *fire alarm system* has been corrected, as follows:

- (1) certification by the *fire alarm system* installer who personally corrected the defect. Such person shall either be:
  - (A) a principal of a company to which the Department has issued a company certificate for *fire alarm system* installation, inspection, testing and servicing who holds a *certificate of fitness* for *fire alarm system* installation, inspection, testing and servicing and for *certification of corrected defects*; or
  - (B) a technician employed by such a company who holds a *certificate of fitness* for *fire alarm system* installation, inspection, testing and servicing, and for *certification of corrected defects*; and
- (2) if correction of the defect necessitated the installation of electrical wiring or other work requiring the services of a licensed electrician, certification by the licensed master electrician or licensed special electrician who holds a *certificate of fitness* for *certification of corrected defects* who personally corrected the defect or supervised the work of a qualified electrical technician under such licensed electrician's direction and control; and
- (3) the licensed or certified professional who personally verified the functionality of the *fire alarm system* following correction of the defect. Such person shall hold a *certificate of fitness* for verification of corrected *fire alarm system* defects. Such person shall not be one of the licensed or certified professionals who certified correction of the *fire alarm system* defects.
- (4) A licensed special electrician may certify correction of work or verify system functionality only for *fire alarm system* installations for which the special electrician made the required filings.

**[Core building system. [Reserved]].**

**Critical areas.** Areas of a building within which radio communication is critical for emergency response operations.

**Critical operations staff.** Building personnel or other *building occupants* designated to remain after the *emergency action plan* is implemented to perform or shut down critical operations, or perform essential services, before they *shelter in place*, relocate in building or evacuate.

[**Department of Buildings.** New York City Department of Buildings.]

**Department of Consumer [Affairs] and Worker Protection.** New York City Department of Consumer [Affairs] and Worker Protection.

[**Department of Environmental Protection.** New York City Department of Environmental Protection.]

**Deputy FLS director.** One (1) or more employees designated by the *owner* as qualified and trained to perform the duties of such position in accordance with the requirements of FC 401.4.5 and R401-04, and who possesses the requisite qualifications and training, as set forth in R113-03.

**Designated representative.** [See R901-01(b).] A person or entity designated by the subscriber who shall be responsible for receiving notifications from the *central station company* concerning the status of the *protective signaling system* at the *protected premises* and who is authorized to take action with respect to such system.

[**Designated smoking room.** See R310-01(b).]

**EAP.** *Emergency action plan.*

**EAP staff.** The individuals identified in an *emergency action plan* as responsible for the implementation of such plan, including but not limited to the *fire safety/EAP director*, *deputy fire safety/EAP director*, EAP building evacuation supervisor, EAP wardens, deputy EAP wardens, EAP searchers, members of the EAP brigade and *critical operation staff*.

[**ECB.** See R109-01(b).]

[**Electrical Code.** The New York City Electrical Code.]

**Emergency.** A *non-fire emergency* that requires implementation of a building's *emergency action plan* to help ensure the safety of the *building occupants*.

**FCC.** United States Federal Communications Commission.



**FDNY Summons.** A form, formerly known as a notice of violation, that is used for purposes of enforcing the Fire Code, the *rules*, or other law, rule or regulation enforced by the *Department*, that serves to notify the respondent named therein of a violation of such laws, rules or regulations, orders correction of same, commences a proceeding at *OATH*, and sets forth information relating to such violation and proceeding.

**Fire Prevention Code.** The New York City Fire Prevention Code, repealed effective July 1, 2008 by New York City Local Law No. 26 of 2008.

**Flammable plastic foam product.** [See R315-01(b).] Foam material that will ignite and continue to burn after contact for five (5) seconds with an open flame or glowing material.

**FLS director.** The employee designated by the *owner* to perform duties of such position in accordance with the requirements of FC 401.4.5 and R401-04, and who possesses the requisite qualifications and training, as set forth in R113-03.

**gpm.** Gallons per minute.

**General areas.** All areas of a building within which radio communication is to be made available for emergency response operations, excluding *critical areas*.

**Hookah coal.** Charcoal manufactured for use as a heat source in a hookah, or any other combustible material used for this purpose.

**In-building auxiliary radio communication system.** A wireless two-way building communication system dedicated for *Department* use and designed in accordance with *Appendix Q* to propagate *Department* wireless radio frequencies within a building. Such a system typically consists of a radio console, base station, cabling, amplifiers and antenna system.

**Inspector's test connection.** [See R903-01(b).] A pipe with a diameter of not less than one (1) inch, that is connected to the sprinkler system on the uppermost story of the building, at the end of the most remote branch line, to which is attached a valve that discharges the flow of water equivalent to one (1) sprinkler head of a type having the smallest orifice installed in the system.

**Letter of approval.** [[Reserved.]] The written determination of the *Department* that a *fire alarm system* installation has been installed and is operating in compliance with the *Building Code*, *Electrical Code* and Fire Code and other applicable requirements for such installation enforced by the *Department*.

**Lighted coals.** *Hookah coal* undergoing combustion.

**Mandatory system.** [See 901-01(b).] A *protective signaling system* whose installation at a *protected premises* is required by law.

**Mobile CNG motor fuel system.** [See R2208-01(b).] A CNG motor fuel system mounted on a vehicle chassis, intended to be driven to different sites for the purpose of dispensing CNG into portable containers, storage systems or motor vehicle-mounted containers.

**Mobile CNG cascade.** [See R2208-01(b).] Multiple CNG containers connected together by rigid steel pipe or tubing, mounted on a trailer or motor vehicle chassis, and intended to be driven or towed to different sites for the purpose of dispensing CNG into portable or motor vehicle-mounted containers.

[**Natural gas.** A mixture of hydrocarbon gases and vapors, consisting principally of methane in gaseous form.]

**Neighboring buildings.** Buildings subject to the provisions of FC510 that are located on either side of a city street, up to a distance of 200 feet apart, unless separated by a barrier to movement, such as a restricted access roadway or railway.

**Non-tobacco hookah establishment.** An establishment for the on-premises sale and use of non-tobacco smoking products, as defined in New York City Administrative Code §17-502(aaa).

**Notice of disposal.** [See R104-03(b).] A written notice advising owners of contraband material or other interested parties of the final opportunity to reclaim such material.

**Notice of seizure.** [See R104-03(b).] A written notice advising the owner of contraband material of its seizure and of the procedures for reclaiming it.

[**Notice of violation.** [See R109-01(b).]]

**OATH.** [See R4900-01(b).] The New York City Office of Administrative Trials and Hearings, acting pursuant to Section 1049-a of the New York City Charter.

**Open-flame decorative device.** An open-flame device used for decorative or lighting purposes, including wall-mounted candles, torch sconces, insect-repellent candles, tabletop candles and lamps, free-standing torch holders and candelabras, and similar devices.

**Owner.** The fee owner or lessee of the building, or other person or entity having charge thereof.

**Partial evacuation.** The emptying of a building of some but not all building occupants in response to a fire or an emergency.

**Permanently out-of-service storage systems.** Storage systems that are no longer to be used for storing gasoline, diesel, fuel oil or other flammable or combustible liquids or that have not been used for one (1) year or more. The Department may deem a storage system permanently out of service and require that it be closed accordingly where it has not been

closed and maintained as a temporarily out-of-service storage system and the circumstances of an actual or anticipated change in use or occupancy of the premises at which the storage system is located indicate that any further use of such storage system cannot be reasonably anticipated.

**[Piped natural gas.** Natural gas supplied by means of piping connected to a public utility distribution system.]

**[Plumber.** A licensed master plumber, as that term is defined by the Building Code, or a person working under the direct and continuing supervision of a licensed master plumber, as authorized by said code.]

**Pre-existing (facility or condition).** [See R102-01(b).] Any condition, including the design and installation of any facility, lawfully existing on the effective date of a Fire Code provision that, in accordance with FC 102.3, 102.4, 102.5 and this rule, may be continued in compliance with laws, rules, regulations and permit conditions applicable at the time such facility was lawfully allowed or approved, and which is not determined by the Department to be subject to the provisions of FC102.5.

**Pressure reducing devices.** [See R905-01(b).] Devices, including valves, installed in standpipe systems at or near hose outlet connections that act to limit both the static and dynamic water pressures downstream of the standpipe outlet valve.

**Pressure restrictors.** [See R905-01(b).] Removable fittings or "SECO Type" valves that restrict flowing water pressures by reducing the available cross-sectional area of flow.

**[Professional certification.** [Reserved.]]

**Professional certification/professionally certified.** The submission to the Department of a signed, personal verification by a person holding a certificate of fitness for professional certification of fire alarm and emergency alarm system installations and testing who is a registered design professional, master electrician, special electrician, or fire alarm system installer with NICET-Level III certification licensed by or registered with the State of New York, that accompanies an application and/or design and installation documents filed with the Department and attests that such application or design and installation documents do not contain any false information and that such application or design and installation documents are in compliance with all applicable laws, rules and regulations.

**Proprietary central station.** [See 901-01(b).] A central station operated by or on behalf of the owner of the protected premises monitored by the central station, that monitors protected premises other than the premises in which the central station is located. For purposes of R901-01 and R4604-01, unless otherwise specifically provided, reference to "central station company" shall be deemed to include proprietary central stations.

**[Proprietary] Protective signaling system.** [See 901-01(b).] A system or device installed at a *protected premises* and designed to transmit an *alarm signal*, a *supervisory signal* or a *trouble signal*.

**psi.** Pounds per square inch.

**psig.** Pounds per square inch gauge.

**Runner service.** [See R901-01(b).] The dispatching to the protected premises of individuals designated by a *central station company*, other than the required number of operators on duty to monitor signals, to silence, reset and otherwise restore the *protected signaling system* to normal service. Such runners may be employees of the central station company, another approved central station company, or a service retained by the central station company, provided that the individuals are trained in and knowledgeable of the protective signaling systems for which they are providing runner service.

**Shelter in place.** The precaution of directing *building occupants* to remain inside the building, at their present location, in response to a *fire* or an *emergency*.

**Subscriber.** [See R901-01(b).] An owner of a *protected premises*, or an owner of a *fire alarm system* installed on such a *premises*, who has arranged for a *central station company* to monitor the *fire alarm system* on the *protected premises* for the purpose of reporting *fire alarms* to the *Department*.

**[Tar kettle.** A device designed to heat tar, asphalt, pitch or similar materials, typically for waterproofing operations, that, utilizing a flammable gas or a combustible liquid, generates a flame to heat a vessel containing such a material. Tar kettle does not include asphalt melters.]

**Technical criteria.** Technical specifications and standards for the design and operation of *ARC systems* established pursuant to Section 24.5.2.7 of *Appendix Q. Technical criteria* include but are not limited to operating frequencies; maximum time domain interference; unit ID and emergency alert signaling; dedicated radio console and other installation specifications; and testing equipment specifications.

**Temporarily out-of-service storage systems.** Storage systems for gasoline, diesel, fuel oil or other *flammable or combustible liquids* that have not been used for 30 days or more, but less than one (1) year.

**Terminal.** [See R901-01(b).] A number assigned by the *Department* which indicates a specific location and/or type of *alarm signal* at a *protected premises*.

**Testable area.** Locations within a building in which an *ARC system* commissioning test can be conducted, including all areas designed for human occupancy. Mechanical rooms and other utility areas are testable areas if, and to the extent that, they are accessible.

**Transmitter.** [See R901-01(b).] A component of a protective signaling system that provides the link between a fire alarm system and the transmission channels.

**Voluntary system.** [See R901-01(b).] A protective signaling system whose installation at a protected premises is not required by law.

**Window/egress gate.** [See R1025-01(b).] Any gate, bar, grille, grate or similar device placed over any window or other opening onto a fire escape, any required secondary means of egress in a multiple dwelling, or any emergency escape and rescue opening.

§57. Subdivisions (c)(4), (g)(2)(A), (h), (i), (j)(2) and (k) of §308-01 of Title 3 of the Rules of the City of New York are proposed to be amended to read as follows:

**308-01 Use of Open Flames in Group A Occupancies and Similar Public Gathering Places**

- (c) General Provisions
  - \* \* \*
  - \* \* \*
  - (4) Special effects. It shall be unlawful to store, *handle* or use any *fireworks* or *pyrotechnic or non-pyrotechnic material, article or device* without a *special effects permit* issued pursuant to FC Chapter [33] 56 and the *rules*.
    - \* \* \*
- (g) Use of Charcoal Briquettes and Other Solid Fuels (Except Solid Alcohol) For Cooking and Food Warming
  - \* \* \*
  - (2) Construction of hibachis
    - (A) Hibachis shall be constructed of metal of sufficient thickness and strength as to safely contain the heat of the *open flame*, and shall have a low center of gravity or otherwise be designed and constructed to resist accidental tipping in accordance with [FC308.3.2(4)] FC308.5.2(4).
    - \* \* \*
- (h) Pits and Open Grills. Pits and open grills at dining tables or food serving areas shall be designed, installed, operated and maintained in accordance with [FC 904.11] FC 609.
- (i) Flaming Food and Beverages. Flaming food and beverages shall be prepared and served in accordance with [FC308.6] FC308.5.3.

(j) Use of LPG for Food Warming and Browning

\* \* \*

(2) Devices. All devices fueled by portable *LPG containers* that are used for food warming and browning purposes, including culinary torches, shall be in accordance with [FC3801.4] FC6101.4 and [R3809-01] R6109-01. Not more than one (1) portable *LPG container* may be connected to each *LPG* device.

\* \* \*

(k) Use of LPG for Demonstrations and Temporary Exhibitions. Portable *LPG containers* may be used for demonstrations and temporary exhibitions in accordance with [FC3803.2.1.5] FC6103.2.1.5.

(1) Demonstrations. Except as otherwise provided in R308-01(j)(2):

\* \* \*

(B) Devices. All devices fueled by portable *LPG containers* that are used for demonstration purposes shall be in accordance with [FC3801.4] FC6101.4 and [R3809-01] R6109-01. Not more than one (1) portable *LPG container* may be connected to each *LPG* device.

(2) Trade shows and other temporary exhibitions

\* \* \*

(B) Devices. All devices fueled by portable *LPG containers* that are used for demonstration purposes shall be in accordance with [FC3801.4] FC6108.4 and [R3809-01] R6109-01. Not more than one (1) portable *LPG container* may be connected to each *LPG* device.

§58. Subdivision (e) of §310-03 of Title 3 of the Rules of the City of New York is proposed to be amended to read as follows:

**310-03 Hookah Establishments**

\* \* \*

(e) **Operational and Maintenance Requirements**

\* \* \*

(2) **Storage of additional hookah coal.** All *hookah coal* in excess of one day's supply shall be stored in compliance with the following requirements:

(A) **Indoor storage.** *Hookah coal* stored indoors shall be in:

\* \* \*

(2) a building or occupancy protected throughout by a sprinkler system, in metal cabinets dedicated to the storage of solid fuel that:

(2.1) are designed and constructed in accordance with [FC2703.8.7] FC5003.8.7 (for hazardous materials storage);

\* \* \*

(B) **Outdoor storage.** *Hookah coal* stored outdoors shall be in accordance with [FC315.3] FC315.7, or in well-constructed metal cabinets or containers (with welded seams) that:

\* \* \*

(5) are designed and constructed in accordance with [FC2703.8.7] FC5003.8.7 (for hazardous materials storage) or, if not located within 6 feet (1829 mm) of a combustible surface, are designed and well-constructed of steel having a thickness of not less than 0.0478 inch (1.2 mm) (18 gauge).

\* \* \*

(3) **Preparation of lighted coals.** A maximum of 2.2 (two and two tenths) pounds of *lighted coals*, including *lighted coals* being maintained in an oven, may be prepared and maintained on the premises at any one time. The preparation and maintenance of *lighted coals* shall comply with R310-03(d)(1) and the following requirements:

\* \* \*

(C) All flammable and combustible materials other than *hookah coals* shall be stored in compliance with FC Chapter [27] 50 and/or other applicable requirements of the Fire Code or the *rules*.

§59. Subdivisions (d)(2) and (e) of §314-01 of Title 3 of the Rules of the City of New York are proposed to be amended to read as follows:

### 314-01 Indoor Display of Motor Vehicles and Watercraft

\* \* \*

(d) General Display Requirements. [In addition to the display] Display requirements [set forth in FC314, indoor display of *motor vehicles* and watercraft] shall be [subject to] in accordance with the [following] requirements [:

- (1) Egress. Aisles a minimum of three (3) feet shall be provided and, together with other *means of egress*, maintained free of obstructions.
  - (2) Engine operation. *Motor vehicles* and watercraft engines shall not be operated at any time when the display is open to the public. The keys to the *motor vehicle* or watercraft shall not be left in the *motor vehicle* or watercraft, but shall be secured in a readily accessible location on the *premises* and made available to any *Department* representative.
  - (3) Open flames. No *open flames* shall be allowed in the display area during the display.
  - (4) Repairs or other work. No repairs or other work shall be conducted on a *motor vehicle* or watercraft in the display area.
- (e) Special Display Requirements in Group A Occupancies and Other Public Gathering Places. In addition to the general display requirements set forth in FC314 and R314-01(c), indoor display of *motor vehicles* and watercraft in Group A occupancies in other public gathering places shall be subject to the following requirements:
- (1) Storage of fuel in fuel tanks. Not more than one (1) gallon of gasoline, diesel fuel or other *liquid motor fuel* shall be allowed in the fuel tank of each *motor vehicle* or watercraft. Alternative fuel *motor vehicles* or watercraft shall contain no more fuel than the energy equivalent of one (1) gallon of gasoline.
  - (2) Fuel tanks shall be provided with a locking cap and shall be kept locked throughout the display.
  - (3) *Motor vehicle* and watercraft engines shall be disabled from starting throughout the display by installing an ignition lock, disconnecting the battery or other *approved* means. Battery or other electrical connections that are disconnected shall be adequately taped to prevent arcing.
  - (4) *Fire guards* shall be present throughout the display] set forth in FC 314.4.

[(f)](e) Portable Fire Extinguisher Requirements. Portable fire extinguishers shall be provided and kept readily accessible as set forth in FC906.

§60. Subdivisions (b)(2) and (d)(1) of §401-07 of Title 3 of the Rules of the City of New York are proposed to be amended to read as follows:

**401-07 Fire and Non-Fire Emergency Drills**

\* \* \*

(b) General Provisions



\* \* \*

(2) Timing, frequency and participation. Pursuant to FC401.7.3, drills shall be scheduled to maximize the participation of required *building occupants*. The frequency of drills, and the *building occupants* required to participate, shall be as set forth in FC Table 401.7.6[, except that separate *non-fire emergency* drills shall continue to be conducted in accordance with 2008 FC405.3.1]. The *non-fire emergencies* set forth in R401-07(a) shall be addressed in one or more *non-fire emergency* drills conducted over the course of a single calendar year

\* \* \*

(d) General Drill Content. Pursuant to FC401.7.1, drills shall be conducted to enhance the *fire* and *non-fire emergency* preparedness of *building occupants*, including building staff and employees of building tenants. Drills shall serve to familiarize *building occupants* as to the proper actions to take in the event of a *fire* or *non-fire emergency*, and fire prevention measures appropriate to the occupancy. Presenters shall incorporate the following basic information in their presentation, with elaboration appropriate to the building or occupancy.

(1) [Combined drills] Separate drills. [The *Department* is not implementing the combined drill provisions of FC401.7.2 at this time] Separate drills shall be conducted for *fire and non-fire emergency plan* drills as set forth in FC 401.7. Office buildings and other buildings with emergency preparedness plans accepted for filing by the *Department* shall continue to conduct separate *fire* and *emergency action plan* drills, on separate dates.

§61. Subdivisions (b)(2)(A), (b)(4)(C), (c) and (d)(1) of §403-01 of Title 3 of the Rules of the City of New York are proposed to be amended to read as follows:

**403-01 Fire Safety Precautions at Street Fairs and Similar Outdoor Public Gatherings**

(b) General Provisions

\* \* \*

(2) Prohibited storage, handling and use of CNG and flammable liquids

(A) The storage, handling and use of *CNG* is prohibited at street fairs and similar outdoor public gatherings pursuant to [FC3507.3(15)] FC5811.3(15).

\* \* \*

(4) Supervision

\* \* \*

(C) The handling and use of *LPG*, and incidental storage thereto, including *LPG* used to fuel portable cooking equipment, shall be under the personal supervision of a holder a *certificate of fitness* for such material, in accordance with [FC3801.5.6] FC6101.5.6.

\* \* \*

(c) Specific Hazardous Material Requirements. Hazardous materials shall be stored, *handled* and used at street fairs and similar outdoor events in compliance with the requirements of FC Chapters 3, [34] 57 and [38] 61, and the following requirements:

(1) General

\* \* \*

(2) Liquefied petroleum gases (LPG). *LPG handling* and use, and storage incidental thereto, shall comply with the requirements of [R3809-01] R6109-01.

\* \* \*

(d) Other Fire Safety Precautions

(1) Membrane structures. All *tents, air-inflated structures* and other membrane structures shall be installed, operated and maintained in compliance with the requirements of FC Chapter [24] 31.

\* \* \*

§62. Subdivisions (b)(2), (b)(3), (c)(2)(B), (d)(1), (d)(3)(A)(4), and (d)(3)(B) of §403-02 of Title 3 of the Rules of the City of New York are proposed to be amended to read as follows:

**403-02 Theater Inspections, Maintenance and Recordkeeping**

(b) General Provisions

\* \* \*

(2) Audience announcements

(A) Location of exits. When required by [FC403.4] FC407.6, announcements informing the audience of the location of *exits* shall be made in compliance with the requirements of that section.

(B) Emergencies. A member of the [FSP] FLS or FEP staff of a performing arts theater shall be designated to make announcements during the performance or other event in case of a fire or other emergency, to inform the audience of the nature of the emergency and prevent panic.

- (3) Fire or other emergency reporting signage. Signage shall be provided in compliance with the requirements of [FC408.14] FC401.2.2.

(c) Fire Safety Inspection Requirements

\* \* \*

- (2) Performance inspections. Fire safety inspections shall be conducted during each performance or other audience event. Such inspection shall verify compliance with the following requirements:

\* \* \*

- (B) Aisles and passageways are unobstructed and standee areas are maintained in accordance with [FC403.3] FC407.5.

\* \* \*

(d) Recordkeeping Requirements

- (1) Logbook required. Every performing arts and motion picture theater shall provide and maintain at an *approved* location a logbook in compliance with the requirements of this section, for the purposes of documenting compliance with the fire safety inspections required by this section and the [FSP] FLS or FEP staff training required by FC [406] 401.4 and 401.5.

\* \* \*

- (3) Entries. Entries shall be made in the logbook as follows:

- (A) Inspections. An entry including the following information shall be made to document each inspection conducted in compliance with the requirements of [R403-01(c)] R403-02(c) or other provision of the Fire Code or *rules*:

\* \* \*

- (4) the name of person designated to make emergency announcements pursuant to [R403-02(b)(2)(B)] R403-02(b)(2)(B).

- (B) Fire safety plan and [FSP] FLS or FEP staff training. Entries relating to the *fire safety and evacuation plan* and [FSP] FLS or FEP staff training shall be made in compliance with the requirements of R404-01(s).

§63. Section 404-03 and subdivision (c) of §404-03 of Title 3 of the Rules of the City of New York are proposed to be renumbered and amended to read as follows:

**[404-03] 407-01 Fire Safety Requirements for Sidewalk Cafes and Similar Public Gathering Places**

\* \* \*

- (c) Access to Fire Department Connections and Fire Hydrants. Sidewalk cafes and similar public gathering places shall not be designed, installed, operated or maintained in a manner that obscures the location of, or impedes access to, Fire Department connections and fire hydrants. Visibility and access shall be maintained in accordance with FC [508.5.4] 507.5.4 and 912.

§64. Section 408-01 and subdivisions (a) and (b) of §408-01 of Title 3 of the Rules of the City of New York are proposed to be renumbered and amended to read as follows:

**[408-01] 406-01 Residential Buildings With Non-Sequential or Non-Standard Floor Numbering**

- (a) Scope. This section sets forth standards, requirements and procedures for the identification and documentation of buildings classified in *Occupancy Group R-2* that are [150]125 feet or more in height and have non-sequential or non-standard floor numbering.
- (b) General Provisions. *Owners* of buildings or parts thereof classified in *Occupancy Group R-2* that are [150]125 feet or more in height and have non-sequential or non-standard floor numbering shall prepare and electronically submit to the *Department* a building information card complying with the requirements of this section.

§65. Section 511-01 of Title 3 of the Rules of the City of New York is proposed to be amended to be renumbered as follows:

**[§511-01] §510-01 In-Building Auxiliary Radio Communication Systems**

§66. Section 608-01 of Title 3 of the Rules of the City of New York is proposed to be amended throughout to replace the term “stationary storage battery system” with “outdoor stationary storage battery system,” the terminology adopted in the 2022 Fire Code, as follows:

*Stationary Energy Storage [Battery] System*

§67. Subdivisions (c)(7)(A)(3), (c)(7)(B), (d)(2)(C), (g)(1)(B), (h)(3), (h)(4)(A)&(B), (i)(6)(A)(2) of section 608-01 of Title 3 of the Rules of the City of New York are proposed to be amended to read as follows:

**608-01 Outdoor Stationary Energy Storage [Battery] Systems**

\* \* \*

- (c) **General Provisions**

\* \* \*

(7) **Listing and full-scale testing standards.** The following standards are applicable to the *listing* and full-scale testing of *stationary energy storage [battery] systems*. The *Department* may accept battery systems *listed* and tested to later editions of these standards when necessary to address evolving standards applicable to a rapidly developing technology.

(A) **Listing.** All *stationary energy storage [battery] systems* shall be tested and *listed* by a nationally recognized testing laboratory to the following standards:

\* \* \*

(3) Underwriters Laboratories (UL) Standard 9540 ([2016] 2020 edition), entitled “Energy Storage Systems and Equipment.”

(B) **Full-scale testing.** When full-scale testing is required by this section, *stationary energy storage [battery] systems* shall be tested to Underwriters Laboratories (UL) Test Method 9540A ([2018] 2019 edition), entitled “Safety Test Method for Evaluating Thermal Runaway Fire Propagation in Battery Energy Storage Systems,” or other *approved* standard or test data

\* \* \*

(d) **Equipment Approval.** When required by Table 2 of this section, the design of each *storage battery unit* shall be approved by the *Department*. The manufacturer of the *storage battery unit* shall obtain a *certificate of approval* for such unit in accordance with FC112, R112-01 and this section. The application for such equipment approval shall include the following information and documentation and such other information and documentation as the *Department* may require:

\* \* \*

(2) The manufacturer's specifications and ratings, listing documents (including failure mode/effects analysis and, when required, complete UL Test Method 9540A test data or other *approved* data) for, and photographs of:

\* \* \*

(C) [battery]energy storage management system [(BMS)] ESMS operation;

(g) **General Design and Installation Requirements.** When required by Table 2 of this section, *stationary energy storage [battery] systems* shall be designed and installed in accordance with the following requirements:

\* \* \*

- (1) **Location and construction.** *Stationary energy storage [battery] systems* shall be located and constructed in accordance with the following requirements:

\* \* \*

- (B) **Fire Department access and water supply.** Where feasible, a direct, unobstructed pathway shall be provided from the battery system installation to the public street or fire apparatus access road on which the premises fronts. *Stationary energy storage [battery] systems* located more than 250 feet from a hydrant shall be provided with a private hydrant or other *approved* water supply for firefighting operations in accordance with [FC508] FC507.

\* \* \*

- (h) **Enclosure Design and Installation Requirements.** When required by Table 2 of this section, *stationary energy storage [battery] systems* housed in a shipping container or other type of outdoor enclosure (but not a storage battery system housing, except as otherwise provided in [R608-01(h)(3)] R608-01(h)) shall be designed and installed in accordance with the following requirements:

\* \* \*

- (3) **Fire extinguishing system.** An *approved* dry pipe water fire extinguishing system designed and installed in accordance with NFPA Standard 15 [(2007 edition)], shall be provided in *stationary energy storage [battery] system* enclosures. The fire department connections shall be located at an *approved* distance from the *stationary energy storage [battery] system* enclosure as to ensure the safety of firefighting operations. An external fire extinguishing system of such design and installation shall be provided for any large *stationary energy storage [battery] system* in an outdoor cabinet or other battery system housing.

\* \* \*

- (4) **Explosion mitigation.** Explosion mitigation shall be provided for battery system enclosures in accordance with the following requirements:

- (A) **Deflagration venting.** Deflagration venting shall be provided in accordance with NFPA Standard 68 [(2007 edition)], based on UL Test Method 9540A or other *approved* test data. Such venting shall be provided and designed to vent upwards or other safe location. Vents shall not face toward any exit discharge path from a nearby building or other pedestrian walkway, or any location from which emergency response personnel may access the enclosure.

- (B) **Explosion prevention.** The concentration of combustible vapors during abnormal operation may be controlled in accordance with NFPA Standard

69 [(2008 edition)] if a hazard mitigation analysis, based on full-scale testing or other *approved* test data, indicates that such mitigation measures will be effective in keeping the target *lower flammability limit (LFL)* within the enclosure at or below 25 percent of the *LFL*.

- (i) **Operational and Maintenance Requirements.** *Stationary energy storage [battery] systems* shall be operated and maintained in accordance with this section.

\* \* \*

- (6) **Signage.** When required by Table 2 of this section, the following signs (or equivalent markings) shall be durably posted for each *stationary energy storage [battery] system*, at the locations indicated:

- (A) **Warning signs.** The following warning signs shall be posted on the exterior of medium and large battery systems or battery system enclosure:

\* \* \*

- (2) Hazard identification sign complying with NFPA Standard 704 [(2007 edition)].

\* \* \*

§68. Subdivisions (b) and (g) of §901-01 of Title 3 of the Rules of the City of New York are proposed to be amended to read as follows:

### **901-01 Central Station Monitoring of Fire Alarm Systems**

\* \* \*

- (b) **Definitions.** The following terms shall, for purposes of this section and used elsewhere in the rules, have the meanings shown herein:

\* \* \*

**Proprietary central station.** A *central station* operated by or on behalf of the *owner* of the *protected premises* monitored by the *central station*, that monitors *protected premises* other than the *premises* in which the *central station* is located. For purposes of this section and [R4604-01] R8104-01, unless otherwise specifically provided, reference to “*central station company*” shall be deemed to include *proprietary central stations*.

\* \* \*

- (g) **Compensation.** Every *central station company* shall pay compensation to the *Department* in accordance with the provisions of [R4604-01] R8104-01. Failure to timely remit such

compensation shall be grounds for non-renewal, suspension or revocation of a *certificate of operation*, or denial of a new *certificate of operation*, in addition to any and all other remedies provided by law.

§69. Subdivision (d)(10) of §901-04 of Title 3 of the Rules of the City of New York is proposed to be amended to read as follows:

**§901-04 Buildings Temporarily Occupied as Emergency Shelters**

- (10) Signage. Durable, legible signs shall be securely and conspicuously posted as follows:
  - (A) Exit signs. Exit signs in accordance with the *Building Code*, including [BC1011] BC1013.
  - (B) Stairwell identification signs. Stairwell floor number and stairwell identification signs in accordance with the *Building Code*, including [BC1019.1.7] BC1023.9.
  - (C) Elevator identification and emergency signs. Elevator identification and emergency signs in accordance with the *Building Code*, including BC3002.3.
  - (D) Sleeping room signs. Signs in sleeping rooms in accordance with the *Building Code*, including [BC1026.10] BC1031.10.
  - (E) Fire emergency reporting. Signage shall be provided in compliance with the requirements of [FC408.14] FC401.2.
  - (F) Other signage. Such other signage that may be required by [BC1026] BC1031.

§70. Subdivision(c)(5) of §903-01 of Title 3 of the Rules of the City of New York is proposed to be amended to read as follows:

**903-01 Flow Testing of Residential Sprinkler Systems**

- (c) General Provisions
  - \* \* \*

- (5) Witnessing. A flow test of a *sprinkler system* shall be witnessed by a representative of the *Department* at least once every five (5) years. Fees for such witnessed test shall be as set forth in FC [A03.1(20)] A03.1(29).



§71. Subdivision (b) of §5006-01 of Title 3 of the Rules of the City of New York is proposed to be amended to read as follows:

**5006-01 Non-Production Laboratories**

\* \* \*

(b) General Provisions. *Non-production laboratories* shall be designed, installed, operated and maintained in compliance with the requirements of [FC2706] FC5006 and this section.

§72. Section 1401-01 and subdivisions (b)(2) and (c) of §1401 of Title 3 of the Rules of the City of New York is proposed to be renumbered and otherwise amended to read as follows:

**[§ 1401-01] §3301-01 Enforcement of Fire Safety at Construction Sites**

\* \* \*

(b) Cooperation with Department Inspections.

\* \* \*

(2) The *owner* of every *premises* upon which construction, alteration or demolition operations are being conducted, the construction manager, project manager, general contractor and any other person in charge of such *construction site*, shall cooperate with the *Department* in its inspections of the *construction site*, including providing or arranging for access to and around the *construction site*, inspection of records, and communication with the *owner* or his or her design professionals, managers or contractors, as necessary or appropriate. The fire safety manager, where required pursuant to [FC1408] FC3308, shall provide such assistance; or, where no fire safety manager is required, such assistance shall be provided by the liaison required by [FC2703.9.1.1] FC5003.9.1.1 in connection with the storage, *handling* or use of hazardous materials or other appropriate representative of the *owner*, construction manager, project manager or general contractor.

(c) General Requirements. The *owner* shall ensure fire safety on the *construction site* by monitoring and enforcing compliance with all applicable code and rule provisions, including but not limited to the following requirements:

\* \* \*

- (2) provision and maintenance of elevators in readiness, in accordance with [FC1411.3] FC3311.3 and BC3303.12;
- (3) provision and maintenance of *standpipe systems*, in accordance with [FC1413] FC3313 and BC3303.8;

(4) provision and maintenance of *sprinkler systems*, in accordance with [FC1414] FC3314 and BC3306.9.6;

\* \* \*

(6) provision and maintenance of an approved water supply for fire protection purposes prior to delivery of *hazardous materials* or combustible materials at the *construction site*, in accordance with [FC1412] FC3312;

(7) storage, *handling* and use of *compressed gases*, including *LPG* and *CNG*, in accordance with FC [1406] 3306, [3504.2] 5804.2, [3804.10] and [3809.12] 6109.12;

(8) storage, *handling* and use of *flammable liquids* and *combustible liquids*, including gasoline, diesel fuel, paint, varnishes and lacquers, and *cargo tank* vehicle fueling, in accordance with FC [1405] 3305 and [3406.2] 5702.2;

(9) storage, *handling* and use of *small arms ammunition* for powder-actuated tools, including nail and rivet guns, in accordance with [FC1418] FC3318;

(10) storage, *handling* and use of heating, drying and curing devices, including portable fueled space heaters, in accordance with [FC1403] FC3303, and the enforcement of the prohibition against *open fires*, in accordance with [FC1404] FC3304;

(11) conduct of *hot work* operations, including the provision of a *fire watch*, in accordance with FC [1404] 3304 and [2604] 3504;

\* \* \*

(13) provision and maintenance of fire apparatus access, in accordance with [FC1410] FC3310;

(14) provision and maintenance of an emergency telephone, in accordance with [FC1409] FC3309;

(15) storage and removal of *combustible waste* from the *construction site*, in accordance with [FC1404.2] FC3304.2;

(16) enforcement of the prohibition against smoking on the *construction site*, in accordance with [FC1404] FC3304; and

(17) provision of a watchperson familiar with the location and use of firefighting equipment and location of emergency telephone and fire alarm boxes, when construction or demolition operations are not in progress, in accordance with [BC3307.5.1] BC3307.5 and [FC1409] FC3309.

§73. Section 1403-01 and subdivision (b)(2) of §1403-01 of Title 3 of the Rules of the City of New York is proposed to be renumbered and otherwise amended to read as follows:

**[§1403-01] §3303-01 Portable Space Heaters Fueled By Piped Natural Gas at Construction Sites**

- (b) General Provisions
  - (2) Smoking
    - (A) Pursuant to [FC1404.1] FC3304.1, it shall be unlawful to smoke at any *construction site*.

§74. Section 1408-01 and subdivisions (a), (b)(1), (c), (d) and (e) of Title 3 of the Rules of the City of New York are proposed to be renumbered and otherwise amended to read as follows:

**[§1408-01] 3308-01 Construction Site Fire Safety Manager**

- (a) Scope. This section sets forth standards, requirements and procedures for the supervision of fire safety at a *construction site* by a fire safety manager designated pursuant to [FC1408.1] FC3308.1.
- (b) General Provisions
  - (1) Designation of fire safety manager. Pursuant to [FC1408.1] FC3308.1, a fire safety manager shall be designated by the *owner* at any *construction site* for which the *Building Code* requires a site safety manager or site safety coordinator pursuant to BC3310.5. The fire safety manager shall perform the duties and responsibilities set forth in [FC1408.1] FC3308.1 and this section. The name and *certificate of fitness* number of the fire safety manager (and any alternate fire safety managers) shall be entered in the logbook required by [FC1408.1] FC3308.1.1 to be maintained at the *construction site*.

- (c) Supervision of Construction Site Fire Safety
  - (1) Fire safety manager duties and responsibilities. Pursuant to [FC1408.1] FC3308.1, the fire safety manager is responsible for ensuring that the construction, alteration and demolition work at a *construction site* is conducted in compliance with the requirements of the Fire Code and the *rules*. Such supervision shall include, but is not limited to:

- (B) in accordance with [FC1408.1] FC3308.1, regularly inspecting the *construction site* for fire safety purposes, including compliance with the code and *rule* provisions set forth in [R1401-01(c)] R3301-01(c), [1403-01] 3303-01 and [1405-01] 3305-01;
- (C) performing the duties of the *impairment coordinator* required by FC901.7, the *responsible person* required by [FC2603.2.2] FC3503.2.2, and the Fire Department liaison required by [FC2703.9.1.1] FC5003.9.1.1, or ensuring that such persons are designated and monitoring the performance of their duties;
- (D) providing or arranging *Department* access to the *construction site*, inspection of the logbook and other records, and communication with the *owner* or his or her *design professionals*, managers or contractors, in accordance with [R1401-01(b)(2)] R3301-01(b)(2); and

\* \* \*

- (2) Presence at construction site. The fire safety manager shall be present at the *construction site* at all times when construction, alteration and demolition work is being conducted. The fire safety manager shall sign in the logbook required by [FC1408.1] FC3308.1.1 at the beginning and end of each workday. An alternate fire safety manager shall assume the duties and responsibilities of the fire safety manager whenever the fire safety manager is required to be present at the *construction site* but is absent.
- (d) Obligations of Construction Site Personnel. All persons present on a *construction site*, including contractors, subcontractors and their employees, shall cooperate with, and comply with the directions of, the fire safety manager in authorizing, supervising and/or monitoring materials, operations and *facilities* regulated by the Fire Code, or otherwise carrying out the duties and responsibilities of a fire safety manager, as set forth in [FC1408] FC3308 and this section.
- (e) Recordkeeping. A record of the periodic inspection of the *construction site* required by [FC1408.1] FC3308.1.1, and other duties and responsibilities performed each day by the fire safety manager, shall be maintained in accordance with the provisions of that section. Entries shall be made for any conditions not in compliance with the applicable code and *rule* requirements, when such conditions could not be timely corrected, and the notifications made. The logbook required by [FC1408.1] FC3308.1.1 used to maintain such records shall be separate and distinct from the any log required to be maintained by the *Building Code*, including BC [3310.7 and] 3310.8.4.

§75. The amended Chapter 36 of Title 3 of the Rules of the City of New York, entitled “Marinas,” is proposed to be amended to read as follows:

**§ 3601-01 Marinas**

(a) Scope. This section sets forth requirements for the supervision of marinas mooring or storing more than five (5) marine vessels or watercraft 65 feet or less in length.

(b) General Provisions

(1) Supervision

(A) Every facility regulated by this section shall at all times during regular business hours be under the personal supervision of a person holding a certificate of fitness. Such individual shall be responsible for ensuring compliance with the requirements of this section.

(B) Where watercraft berthed in a facility regulated by this section are occupied overnight, a fire watch shall be maintained at all times other than regular business hours. A watchman time detector and watchman service shall be provided on a 24 hour basis. Such watchman shall hold a certificate of fitness as a fire guard and shall make hourly rounds to each of the stations. Records of these rounds shall be maintained.

§76. Section 3004-01 and subdivision(a)(3), (b)(1)(A), (b)(4), (c)(1), (d) and (e)(1) of §3004-01 of Title 3 of the Rules of the City of New York are proposed to be renumbered and otherwise amended to read as follows:

**[3004-01] 5304-01 Use of Carbon Dioxide in Beverage Dispensing Systems**

(a) Scope.

\* \* \*

(3) Any other storage, *handling* or use of carbon dioxide in a device, equipment or system shall be submitted for *Department* approval pursuant to FC105.4, and shall be conducted under the personal supervision of a person holding a *certificate of fitness*, as set forth in [FC3001.4] FC5301.4, if the amount of carbon dioxide being stored, *handled* or used requires a *Department* permit.

(b) General Provisions.

(1) Applicable standards. Carbon dioxide beverage dispensing systems shall be designed, installed, operated and maintained in compliance with the requirements of FC Chapter [30] 53, this section and:

(A) Section 5307 of the [International Fire Code (IFC) (2015 edition)]2022 Fire Code;

\* \* \*

- (4) Installer certification of installation or repair. For any newly-installed carbon dioxide beverage dispensing system using more than 400 pounds (3,496 SCF) of carbon dioxide, alteration of such a system (including replacement of piping), and/or inspection or repair of such a system after activation of an emergency alarm or other release of carbon dioxide at or above the exposure limits referenced in [R3004-01(c)(1)(G)(2)] R5304-01(c)(1)(G)(2), the installer shall complete and submit to the *Bureau of Fire Prevention* (by emailing to [DistrictOfficeHeadquarters@fdny.nyc.gov](mailto:DistrictOfficeHeadquarters@fdny.nyc.gov)) an affidavit in a form approved by the *Department* certifying that the system is in good working order and setting forth the following information, and such other information and documentation as the *Department* may require:

\* \* \*

(c) Design and Installation Requirements.

- (1) Compliance with applicable standards. Carbon dioxide beverage dispensing systems shall be designed and installed in accordance with IFC Section 5307, *NFPA* Standard 55, and any other applicable standards, as set forth in [R3004-01(b)(1)] R5304 01(b)(1), including compliance with the following requirements:

\* \* \*

- (d) Operational and Maintenance Requirements. Carbon dioxide beverage dispensing systems shall be operated and maintained in accordance with IFC Section 5307, *NFPA* Standard 55, and any other applicable standards, as set forth in [R3004-01(b)(1)] R5304 01(b)(1), and in compliance with the following additional safety requirements:

\* \* \*

- (4) User safety training. At time of installation of a carbon dioxide beverage dispensing system, and at least once a year thereafter, the installer or other *certificate of fitness* holder associated with the company servicing the carbon dioxide beverage dispensing system shall verbally and in writing communicate the following carbon dioxide safety information to the *owner* and/or other responsible persons at the premises, to ensure that they are aware of the hazards associated with the system and understand how to safely operate and monitor the system:

\* \* \*

- (E) Importance of immediately reporting and acting upon any release of carbon dioxide as set forth in [R3004-01(d)(5)] R5304-01(d)(5).

- (5) Notification of carbon dioxide leak. Upon activation of the carbon dioxide beverage dispensing detection and alarm system indicating an immediate threat to life or safety, or a release of carbon dioxide from the beverage dispensing system in a location without a functioning carbon dioxide detection and alarm system, the following steps must be taken:

\* \* \*

- (D) Discontinue use of the carbon dioxide beverage dispensing system until a qualified installer has certified that it has been restored to good working order, by completing an affidavit pursuant to [R3004-01(b)(4)] R5304-01(b)(4).
- (e) Recordkeeping. The *owner* or *certificate of fitness* holder shall maintain on the premises in accordance with FC107 the following documentation:
  - (1) A copy of the Installer’s Affidavit for new and altered systems, as set forth in [R3004-01(b)(4)] R5304-01(b)(4);

§77. Section 3004-02 and subdivision (b) of §3004-02 of Title 3 of the Rules of the City of New York are proposed to be renumbered and otherwise amended to read as follows:

**[3004-02] 5304-02 Anhydrous Ammonia**

\* \* \*

- (b) General Provisions. Anhydrous ammonia *containers* and systems shall be designed, installed, operated and maintained in compliance with the requirements of FC Chapter [30] 53, this section, and as to matters not specifically set forth in the Fire Code or this section, Compressed Gas Association's Standard G-2 (8<sup>th</sup> edition). The provisions of this section shall not apply to the storage, *handling* and use of anhydrous ammonia in any *refrigerating system*.

§78. Section 3404-01 and subdivisions (c)(2) and (c)(3) of §3404-01 of Title 3 of the Rules of the City of New York are proposed to be renumbered and otherwise amended to read as follows:

**[3404-01] 5704-01 Out-of-Service Storage Systems**

\* \* \*

- (c) Temporarily Out-of-Service Storage Systems
  - (1) Supervision

\* \* \*

- (2) Affidavit of compliance. The *owner* or operator of a *temporarily out-of-service storage system* or the *permit* holder for such system shall file with the *Department* an affidavit certifying that such system has been safeguarded in compliance with the requirements of FC Chapter [34] 57 and this section. Such affidavit shall be executed by a person with the requisite qualifications to supervise the closure of such tanks.
- (3) Permits and testing

\* \* \*

- (B) Before a *temporarily out-of-service storage system* may be restored to service, an affidavit of compliance shall be filed with the *Department* in accordance with [R3404-01(c)(2)] R5704-01(c)(2), certifying the integrity of the tank and piping, and the proper functioning of any leak detection and cathodic protection systems.

§79. Section 3404-02 and subdivisions (a), (b)(1) and (b)(3)(B) of §5704-02 of Title 3 of the Rules of the City of New York are proposed to be renumbered and otherwise amended to read as follows:

**[3404-02] 5704-02 Precision Testing of Certain Underground Storage Systems**

- (a) Scope. This section sets forth standards, requirements and procedures for precision testing pursuant to [FC3404.2.11.6] FC5704.2.11.6 of underground storage systems for *motor fuels* or other *flammable* and *combustible liquids* when such systems utilize single-walled tanks, or other tanks not provided with a leak detection system meeting Fire Code requirements.
- (b) General Provisions
  - (1) Applicability. Precision testing of underground storage systems for *motor fuels* or other *flammable* and *combustible liquids* that utilize single-walled tanks, or other tanks not provided with a leak detection system meeting Fire Code requirements, shall be conducted in compliance with the requirements of FC Chapters [22] 23 and [34] 57 and this section.

\* \* \*

- (3) Supervision.

\* \* \*

- (B) Presence on premises. The certificate holder conducting the precision test shall remain on the *premises* while such test is being conducted and until the system has been returned to good working order in accordance with [R3402-02(c)(1)(C)] R5702-02(c)(1)(C).



§80. Section 3404-03 and subdivisions (b) and (c)(4)(B) of §3404-03 of Title 3 of the Rules of the City of New York are proposed to be renumbered and otherwise amended to read as follows:

**[3404-03] 5704-03 Indoor and Aboveground Combustible Liquid Storage Systems**

\* \* \*

(b) General Provisions. Indoor aboveground *combustible liquid* storage tanks shall comply with the requirements of FC Chapters [27] 50 and [34] 57 and this section.

(c) Design and Installation Requirements

\* \* \*

(4) Piping systems

\* \* \*

(B) Piping from storage tank to equipment on other floors

(I) Piping from a transfer pump to manufacturing, process or other equipment installed on other floors, including *combustible liquid* return and vent piping, shall comply with the applicable provisions of [R3404-03(c)(4)] R5704-03(c)(4) and shall be enclosed in a shaft constructed of four (4) inch concrete or masonry, having a four (4) inch clearance from all pipe or pipe covering, except that no such enclosure shall be required within the room containing the pump, tank, or equipment where such room is itself enclosed with construction and materials having at least a 2-hour fire-resistance rating. Provisions shall be made for expansion in piping without the use of expansion joints.

§81. Section 3405-01 and subdivision (c)(2) of §3405-01 of Title 3 of the Rules of the City of New York are proposed to be renumbered and otherwise amended to read as follows:

**[3405-01] 5705-01 Storage and Use of Fuel Oil on Mobile Trailers for Heating and Power Generation**

\* \* \*

(c) Design and Installation Requirements. Mobile heating and power generating trailers using fuel oil shall be designed and installed in compliance with the following requirements:

\* \* \*

- (2) Fuel oil storage tanks shall be constructed in accordance with the requirements of the *Mechanical Code*. No more than 1200 gallons of fuel oil shall be stored on the trailer. Use of a mobile trailer with a fuel storage tank with a maximum fuel storage capacity exceeding 1200 gallons may be authorized by the *Department*. The owner or operator of the mobile trailer shall first make application to the Technology Management Unit of the *Bureau of Fire Prevention* for review of the design of the mobile trailer, tank installation and/or heating or power-generating equipment or system and any other relevant considerations, and approval of its use. The *Department* may approve use of such a non-conforming mobile trailer subject to such terms and conditions as it may deem necessary and appropriate given the mobile trailer's excess fuel storage capacity, including requiring a site-specific permit, irrespective of the provisions of [R340501(b)(2)] R5705-01(b)(2).

\* \* \*

§82. Section 3508-01 of Title 3 of the Rules of the City of New York is proposed to be amended to be renumbered as §5811-01, and to otherwise amend subsections (a), (b), (c)(3), (e)(1), (f)(3), (g)(1), (h)(1) and (j) as follows:

**[3508-01] 5811-01 Compressed Natural Gas**

- (a) Scope. This section sets forth standards, requirements and procedures applicable to the storage, *handling* and use of *CNG*. This section shall not apply to the following operations:
- (1) the storage and use of *CNG* in a *non-production chemical laboratory*, the requirements for which are subject to the provisions of [FC2706] FC5006.
  - (2) the storage and filling of *containers* with *CNG* for use as a fuel in *motor vehicles* and other approved purposes, the requirements for which are subject to the provisions of [FC2208] FC2308.
  - (3) the storage and use of *CNG* in connection with special effects, the requirements for which are set forth in [FC3309] FC5609 and the rules.
  - (4) the transportation of *CNG*, the requirements for which are set forth in [FC2707] FC5007.
- (b) General Provisions
- (1) General *CNG* requirements. The provisions of this section shall be applicable to all *CNG* materials, operations and/or *facilities* as follows:
    - (A) All *CNG* storage, *handling* and use governed by this section shall comply with the *design and installation document*, *permit*, supervision, and

- general storage, *handling* and use requirements set forth in [R3508-01(c), (d), (e) and (f)] R5811-01(c), (d), (e) and (f).
- (B) Outdoor and indoor *CNG* storage shall be in facilities that comply with the requirements for such facilities set forth in [R3508-01(g) and (h)] R5811-01(g) and (h).
- (C) Stationary *CNG* installations shall comply with the requirements for such installations set forth in [R3508-01(i)] R5811-01(i).
- (D) *CNG* storage, *handling* and use for the special applications set forth in [R3508-01(j)] R5811-01(j) (on construction sites, for emergency indoor repairs, for manhole operations, on *motor vehicles*, for mobile cooking uses, in commercial establishments, on moored vessels, torches used in the manufacture of jewelry, and use of *CNG* for emergency oil burner ignition) shall additionally comply with the applicable requirements of [R3508-01(j)] R5811-01(j).
- (2) Special *CNG* authorizations. This section authorizes the following storage, *handling* and/or use of *CNG* that is prohibited by [FC3508.3] FC5811.3 except as authorized by the *Commissioner*:
- (A) storage, *handling* and use of *CNG* below grade for emergency indoor repairs, as set forth in [R3508-01(j)] R5811-01(j);
- (B) storage, *handling* and use in, and bringing or allowing into, residential occupancies or on lots containing a building used for a residential occupancy, of *CNG containers* with a capacity greater than 8.7 *SCF*, as set forth in [R3508-01(j)] R5811-01(j);
- (C) storage, *handling* and use in, and bringing or allowing into, any non-residential building, of *CNG containers* with a capacity greater than 8.7 *SCF*, as set forth in [R3508-01(h) and (j)] R5811-01(h) and (j);
- (D) *handling* and use on the roof of any building of *CNG containers* with a capacity greater than 8.7 *SCF*, as set forth in [R3508-01(j)] R5811-01(j);
- (E) storage, *handling* or use of *CNG* for stationary *CNG* installations in any area where access to *piped natural gas* from a public utility is available, as set forth in [R3508-01(j)] R5811-01(j);
- (F) storage, *handling* and use of *CNG* for space heating or water heating, as set forth in [R3508-01(j)] R5811-01(j); and
- (G) use of nonmetallic pipe, tubing and components for devices, equipment and systems utilizing *CNG*, as set forth in [R3508-01(j)] R5811-01(j).

(c) Design and Installation Documents

\* \* \*

- (3) Upon completion of any stationary *CNG* installation, an affidavit executed by the installer or *plumber* responsible for the installation certifying that the installation conforms to the requirements of this section and FC Chapter [35] 58 shall be submitted to the *Bureau of Fire Prevention* at Fire Department Headquarters.

\* \* \*

(e) Supervision

- (1) The storage, *handling* and use of *CNG* shall be supervised as set forth in [FC3501.4.2] FC5801.4.2 and this section.

\* \* \*

(f) General Storage, Handling and Use Requirements

\* \* \*

- (3) Only metallic pipe, tubing and components shall be used for *CNG* installations, appliances and equipment, except as provided in [R3508-01(j)(2)(E), (j)(3)(B), (j)(4)(D), (j)(7)(D), (j)(9)(H) and (j)(10)(C)] R5811-01(j)(2)(E), (j)(3)(B), (j)(4)(D), (j)(7)(D), (j)(9)(H) and (j)(10)(C). Where use of nonmetallic hose is allowed by this section, such hose shall be protected from twisting, abrasion and damage by proper installation and maintenance. Hoses showing any kind of defects, including burns or signs of wear, shall be rendered unsuitable for service and shall be replaced.

\* \* \*

(g) Outdoor Storage Facilities

(1) Except as otherwise provided in this section, all *CNG containers* shall be stored outdoors in a facility that conforms to the requirements of this section. In addition to complying with the requirements of FC [2703.12] 5003.12 and [3504.2] 5804.2, Table [3504.2.1] 5804.2.1, all outdoor *CNG container* storage facilities shall be:

\* \* \*

(h) Indoor CNG Storage

(1) Except as provided in [R3508-01(j)] R5811-01(j), indoor storage of any *CNG container* with a capacity greater than 8.7 *SCF* of gas is prohibited in any residential occupancy and in any building where an outdoor storage location for such *CNG container* is available.

\* \* \*

(i) Stationary CNG Installations. In addition to complying with the requirements of FC [2703.12] 5003.12 and [3504.2] 5804.2, and FC Table [3504.2.1] 5804.2.1, stationary *CNG* installations shall comply with the following requirements:

\* \* \*

(j) Special Storage and Use Requirements

(1) All storage or use of *CNG* for the applications set forth in [R3508-01(j)] R5811-01(j) shall be in compliance with the respective requirements of [R3508-01(j)] R5811-01(j), in addition to the requirements set forth in [R3508-01(c), (d), (e), (f) and (i)] R5811-01(c), (d), (e), (f) and (i).

(2) Construction sites

\* \* \*

(B) Except as provided in [R3508-01(j)(2)(D)] R5811-01(j)(2)(D), all *CNG* for use on *construction sites* shall be stored in outdoor storage facilities that comply with the requirements of [R3508-01(g)(1)(B), (g)(1)(C) and (g)(1)(D)] R5811-01(g)(1)(B), (g)(1)(C) and (g)(1)(D). No *construction site* storage facility shall:

\* \* \*

(E) Pursuant to [FC3508.3(14)] FC5811.3(14) and [R3508-01(b)(2)(G)] R5811-01(b)(2)(G), nonmetallic hose may be used at a *construction site* where:

\* \* \*  
(F) Tar kettle and torch operations

\* \* \*

(3) It shall be unlawful for any person to operate, maintain or use a kindled *tar kettle* or torch in or on the roof of any building, except that torches may be used for emergency indoor repairs in accordance with [R3508-01(j)(3)] R5811-01(j)(3), and may be used on the roof of any building having a roof of noncombustible construction.

\* \* \*

(G) Asphalt melters

(1) CNG-fueled *asphalt melters* shall be stored, *handled*, used and maintained in the same manner as *LPG-fueled tar kettles*, including the provisions of FC303 and [R3508-01(j)(2)(F)] R5811-01(j)(2)(F).

\* \* \*

(H) Curing and drying applications

\* \* \*

(4) Pursuant to [FC3508.3(14)] FC5811.3(14) and [R3508-01(b)(2)(G)] R5811-01(b)(2)(G), nonmetallic hose may be used at a *construction site* where flexibility is required for such operation, provided that:

\* \* \*

(3) Emergency indoor repairs

(A) Pursuant to [FC3508.3(6) and (7)] FC5811.3(6) and (7) and [R3508-01(b)(2)(B) and (C)] R5811-01(b)(2)(B) and (C), *CNG* equipment and *containers* may be used indoors, except in an occupied place of public assembly, for the purpose of performing emergency repairs. Such *CNG* use shall be subject to the following requirements:

\* \* \*

(B) Pursuant to [FC3508.3(14)] FC5811.3(14) and [R3508-01(b)(2)(G)] R5811-01(b)(2)(G), flexible nonmetallic hose may be used for emergency indoor repairs where the nature of the repair work requires a flexible connection between the device, equipment or system and the *CNG container*, provided that:

\* \* \*

(C) Pursuant to [FC3508.3(3)] FC5811.3(3) and [R3508-01(b)(2)(A)] R5811-01(b)(2)(A), a single *CNG container* with a capacity not greater than 8.7 *SCF* may be used below grade for emergency indoor repairs provided the *container* is not left unattended.

(4) Manhole operations

\* \* \*

(B) *CNG* storage, *handling* and use at each manhole work site shall be limited to two (2) *CNG containers*, each with a capacity not greater than 285 *SCF*. Such *CNG containers* shall be removed from the work site at the end of each work day unless they are stored in a tool cart that:

\* \* \*

(7) is situated outdoors and is not located within the distances set forth in [R3508-01(g)(4)] R5811-01(g)(4), except that [R3508-01(g)(4)(B) and (g)(4)(C)] R5811-01(g)(4)(B) and (g)(4)(C) shall not apply.

\* \* \*

(D) Pursuant to [FC3508.3(14)] FC5811.3(14) and [R3508-01(b)(2)(G)] R5811-01(b)(2)(G), nonmetallic hose may be used for manhole operations where the task does not allow use of a stationary *CNG* appliance, necessitating a flexible connection between the appliance and the *CNG container*, provided that:

\* \* \*

(6) Mobile cooking uses. Mobile food units, as that term is defined in the New York City Health Code, 24 RCNY § 89.01(c) (including but not limited to *motor vehicles*, pushcarts and stands), that are equipped with *CNG containers* for cooking purposes shall comply with the following requirements:

\* \* \*

(E) All mobile food units that are *motor vehicles* shall also comply with the restrictions applicable to vehicles equipped with *CNG containers* set forth in [R3508-01(j)(5)(A)] R5811-01(j)(5)(A).

\* \* \*

(7) Commercial establishments. Commercial establishments that store and use *CNG containers* for oil burner ignition and/or cooking shall comply with the following requirements:

\* \* \*

- (E) *CNG* storage and use for the purposes authorized by [R3508-01(j)(7)] R5811-01(j)(7) is subject to the prohibition set forth in [FC3508.3(11)] FC5811.3(11).

\* \* \*

- (9) Torches used in the manufacture of jewelry. *CNG* may be stored and used for torches used in the manufacture of jewelry only in areas where access to *piped natural gas* from a public utility is not available, and where the manufacturing activity is a lawful use of the *premises*, as set forth on the Certificate of Occupancy for the *premises* or otherwise determined by the *Department of Buildings*. *CNG* storage and use for such torch operations shall comply with the following requirements:

\* \* \*

- (G) Where fixed piping is used to pipe *CNG* or oxygen to the work station, such piping shall be made of either copper or steel, and shall be installed and tested in accordance with the provisions of [R3508-01(i)(4) and (i)(6)] R5811-01(i)(4) and (i)(6). Piping previously installed in the building for *natural gas* use shall not be used for *CNG* or oxygen for such torch operations. A *plumber* shall certify that the installation is in accordance with the requirements of this section.
- (H) Pursuant to [FC3508.3(14)] FC5811.3(14) and [R3508-01(b)(2)(G)] R5811-01(b)(2)(G), nonmetallic hose may be used for such torch operations where the task does not allow use of stationary *CNG* devices or equipment, necessitating a flexible connection between the device or equipment and the *CNG container*, provided that:

\* \* \*

- (10) Use of *CNG* for emergency oil burner ignition. Pursuant to [FC3508.3(3), (6), (7) and (11)] FC5811.3(3), (6), (7) and (11), and [R3508-01(b)(2)(A), (b)(2)(B), (b)(2)(C) and (b)(2)(E)] R5811-01(b)(2)(A), (b)(2)(B), (b)(2)(C) and (b)(2)(E), *CNG* may be used for mobile emergency heating trailers for a period not to exceed 90 days, or when *piped natural gas* service is temporarily interrupted, provided that:

\* \* \*

- (C) Pursuant to [FC3508.3(14)] FC5811.3(14) and [R3508-01(b)(2)(G)] R5811-01(b)(2)(G), nonmetallic hose may be used where the task does not allow use of a stationary *CNG* devices or equipment, necessitating a



flexible connection between the device or equipment and the *CNG container*, provided that:

\* \* \*

§83. Section 3809-01 and subdivisions (b)(2)(B), (b)(2)(C), (b)(2)(D), (b)(2)(E), (b)(2)(F), (d)(4), (h)(1) and (j)(7)(E) of Title 3 of the Rules of the City of New York are proposed to be renumbered and otherwise amended to read as follows:

**[3809-01] 6109-01 Liquefied Petroleum Gases**

\* \* \*

(b) General Provisions

\* \* \*

(2) Special LPG authorizations. This section authorizes the following storage, *handling* and/or use of *LPG* that is prohibited by [FC3805.3] FC6105.3 except as authorized by the *Commissioner*:

\* \* \*

- (B) storage, *handling* and use in, and bringing or allowing into, residential occupancies or on lots containing a building used for a residential occupancy, of *LPG containers* with a capacity greater than sixteen and four tenths ounces (16.4 oz.), as set forth in [R3809-01(j)] R6109-01(j) [and (k)];
- (C) storage, *handling* and use in, and bringing or allowing into, any non-residential building, of *LPG containers* with a capacity greater than sixteen and four tenths ounces (16.4 oz.), as set forth in [R3809-01(h)] R6109-01(h)[,] (j)[, and (k)];
- (D) *handling* and use on the roof of any building of *LPG containers* with a capacity greater than sixteen and four tenths ounces (16.4 oz.), as set forth in [R3809-01(j)] R6109-01(j) [and (k)];
- (E) [storage, *handling* or use of *LPG* for stationary *LPG* installations in any area where access to *pipled natural gas* from a public utility is available, as set forth in R3809-01(k);
- (F)] storage, *handling* and use of *LPG* for space heating or water heating, as set forth in [R3809-01(j)] R6109-01(j) [and (k)];

\* \* \*

(h) Indoor LPG Storage

- (1) Except as provided in [R3809-01(k)] R6109-01(k), indoor storage of any *LPG container* with a capacity greater than sixteen and four tenths ounces (16.4 oz.) is prohibited in any residential occupancy and in any building where an outdoor location for such *LPG container* is available.

\* \* \*

(j) Special Storage and Use Requirements

\* \* \*

- (7) Commercial establishments. Commercial establishments which store, handle and use *LPG* for cooking and oil burner ignition shall comply with the following requirements:

\* \* \*

- (E) *LPG* storage and use for the purposes authorized by [R3809-01(j)(7)] R6109-01(j)(7) is subject to the prohibition set forth in [FC3805.3(10)] FC6105.3(10)[, and shall be discontinued in compliance with the requirements of R3809-01(k)(2)].

\* \* \*

**Proposed Amendment to Reduce First-time Penalty  
Associated with Violation Category 19**

§84. Appendix A of §109-03 of Title 3 of the Rules of the City of New York is proposed to be amended to read as follows:

APPENDIX A TO 3 RCNY 109-03

FDNY SUMMONS PENALTY TABLE  
(EFFECTIVE 10/1/2017)

<b>Violation Category (3 RCNY 109-02)</b>	<b>Description of Violation</b>	<b>OATH Violation Code</b>	<b>First Violation Penalty (\$)</b>	<b>First Violation Mitigated Penalty (\$)</b>	<b>First Violation Maximum Penalty (\$)</b>	<b>Second/ Subsequent Violation Penalty (\$)</b>	<b>Second/ Subsequent Violation Mitigated Penalty (\$)</b>	<b>Second/ Subsequent Violation Maximum Penalty (\$)</b>
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\* \* \*

<b>VC 19</b>	Affidavits, Design and Installation Documents and Other Documentation	BF19	[600] <u>575</u>	300	1000	1500	750	5000
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\* \* \*

Repeal of Fire Department rules (4/7/2023)

**NEW YORK CITY LAW DEPARTMENT  
DIVISION OF LEGAL COUNSEL  
100 CHURCH STREET  
NEW YORK, NY 10007  
212-356-4028**

**CERTIFICATION PURSUANT TO  
CHARTER §1043(d)**

**RULE TITLE:** Miscellaneous Rule Amendments

**REFERENCE NUMBER:** 2022 RG 103

**RULEMAKING AGENCY:** New York City Fire Department

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN  
Senior Counsel

Date: April 7, 2023

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS  
253 BROADWAY, 10<sup>th</sup> FLOOR  
NEW YORK, NY 10007  
212-788-1400**

**CERTIFICATION / ANALYSIS  
PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE: Miscellaneous Rule Amendments**

**REFERENCE NUMBER: FDNY-32**

**RULEMAKING AGENCY: Fire Department of New York**

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Reduces the penalty for first-time violations of the Fire Code associated with Violation Category 19.

/s/ Francisco X. Navarro  
Mayor's Office of Operations

April 7, 2023  
Date