NEW YORK CITY FIRE DEPARTMENT

Notice of Adoption of
Miscellaneous Amendments to
Fire Department Rules

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE Fire Commissioner of the City of New York pursuant to Sections FC102.6.3 and FC310.7 of the New York City Fire Code (Title 29 of Administrative Code of the City of New York), and in accordance with the requirements of Section 1043 of the New York City Charter, that the New York City Fire Department has adopted miscellaneous amendments to Fire Department rules.

The rule amendments were published in the City Record on April 21, 2023. A public hearing was held on May 23, 2023. The rule amendments shall take effect on October 30, 2023.

The Notice of Adoption, final rule and the Statement of Basis and Purpose of Final Rule, will be available on the Fire Department's website (www.nyc.gov/fdny) and NYCRULES (www.nyc.gov/NYCRULES).

Statement of Basis and Purpose of 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 Fire Department hereby amends various Fire Departments 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, various Fire Department rules are hereby amended to conform them 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.

Finally, Fire Department rule 3 RCNY 109-03 is hereby amended to 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 reduction is one component of a broader initiative, Small Business Forward (SBF), to reduce regulatory burdens on small businesses.

Public Comments and the Fire Department's Response

In response to the proposed rule, the Real Estate Board of New York (REBNY) submitted written comments calling the Fire Department's attention to certain proposed amendments to 3 RCNY §102-01(g) regarding pre-existing facilities and projects in progress, provisions it found unclear and confusing. The Fire Department realized it had inserted incorrect dates in several provisions of that proposed section. The final rule corrects the following errors in the proposed rule amendments:

1. Section 102-01(g)(5) is modified to allow a facility to qualify as preexisting if its construction is completed and use and occupancy is approved prior to October 15, 2023 (as opposed to April 15, 2022, the effective date of the 2022 Fire Code, as was erroneously set forth in the proposed rule). This one-and-a-half-year window to qualify as a pre-existing facility after the effective date of the 2022 Fire Code is consistent with the framework established following the enactment of the 2008 and 2014 Fire Codes.

2. Similarly, §102-01(g)(6) is modified to allow an additional one year to qualify as a pre-existing facility upon a satisfactory showing of undue hardship and subject to certain other conditions, provided that construction is completed and use and occupancy is approved prior to October 15, 2024. Again, this is consistent with the framework established following the enactment of the 2008 and 2014 Fire Codes.

The Department of Buildings (DOB) submitted a written comment clarifying the definition of "Appendix Q," a term referring to a New York City Building Code appendix, which definition was set forth and proposed to be incorporated into the revised definitions chapter of the rules, Chapter 2. DOB correctly noted that renumbering and other changes were made to Building Code Appendix Q as part of the 2022 Building Code revision (enacted by Local Law 126 of 2021). The final rule revises the definition of Appendix Q in response to DOB's comments as follows:

> **Appendix Q.** Section BC Q107 of Appendix Q of the Building Code, which amends NFPA 72, a Referenced Standard to the Building Code and Fire Code.

Additionally, 3 RCNY §511-01, entitled "In-Building Auxiliary Radio Communication Systems," was correctly renumbered Section 510 in the proposed rule to conform with the applicable Fire Code provision, FC510. However, the cross-references to the Fire Code, Building Code, and the rules in Section 511-01 were not renumbered. This oversight is being corrected in the final rule by renumbering the section and the cross-references it contains as 510-01.

Finally, the final rule makes conforming changes throughout 3 RCNY §608-01, now entitled "Outdoor Stationary Energy Storage Systems," some of which were overlooked by the Department in the proposed rule. Specifically, the final rule comprehensively replaces the term "stationary storage battery system" with "stationary energy storage system." Similarly, the term "battery management system" has been placed throughout by "energy storage management system." The final rule specifies the proper edition (year) of NFPA Standards 15, 68, and 69, which standards were incorporated by reference in the 2022 Fire Code. Definitions have also been modified to cross-reference FC202 (instead of FC602.1, which no longer sets forth definitions).

No members of the public requested to speak at the public hearing conducted on May 23, 2023.

Terms used in the final 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.

Guidance with respect to the interpretation of the Fire Code and Fire Department rules may be obtained using the Public Inquiry Form on the Fire Department's website, http://www1.nyc.gov/site/fdny/about/resources/code-and-rules/nyc-fire-code.page.

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 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 REPEALED.

§3. Section 4601-01 of Title 3 of the Rules of the City of New York, entitled "New and Amended Fees," is REPEALED.

§4. Section 4702-01 of Title 3 of the Rules of the City of New York, entitled "Referenced Standard Modifications," is REPEALED.

§5. Title 3 of the Rules of the City of New York is 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 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 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 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 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 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 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 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 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 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 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 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 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 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 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 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 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 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 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 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 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 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 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 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 Transhipment From New York City.

§29. The sections in Chapter 28 of Title 3 of the Rules of the City of New York are 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 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 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 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 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 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 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 amended to be renumbered and incorporated in amended Chapter 59 as follows:

§ 5901-5905 Reserved.

§37. The amended Chapter 60 is 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 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 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 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 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 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 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 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 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 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 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 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 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 amended to read as follows:

102-01 Pre-Existing Facilities and Conditions

* * *

(g) Projects In Progress

* * *

(5) Approved facilities completed prior to October 15, 2023. 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 October 15, 2023.

(6) Approved facilities completed prior to October 15, 2024. 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 October 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 October 15, 2024, 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 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)(*1*) of §113-05 of Title 3 of the Rules of the City of New York is 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

(*1*) 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 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 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 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 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 BC Q107 of Appendix Q of the Building Code, which amends NFPA 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 *Departmen*t, 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 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 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 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 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 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 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 [R403-01(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 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 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 renumbered and otherwise amended to read as follows:

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

(a) **Scope.** This section sets forth requirements for the design, installation, operation and maintenance of *in-building auxiliary radio communication systems*. In-building radio communication systems that were approved for installation by the *Department of Buildings* and/or the *Department* prior to December 31, 2014, and that were designed to enhance *Department* communications in a manner similar to an *in-building auxiliary radio communication system*, shall be subject to the requirements of this section to the extent set forth in [R511-01(j)] R510-01(j).

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

Appendix Q. Section [24.5.2] BC Q107 of Appendix Q to the Building Code, [as codified in *Department of Buildings* rule 1 RCNY 3616-04. *Appendix Q*] which amends NFPA Standard 72, a Referenced Standard to the *Building Code* and Fire Code.

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

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.

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

FCC. United States Federal Communications Commission.

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

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.

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.

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.

(c) **Permit.** Pursuant to FC105.6, a *permit* shall be obtained from the *Department* to maintain or operate an *ARC system*. Application for a *permit* shall be made in accordance with [R511-01(d)(3)] R510-01(d)(3).

(d) **General Provisions**

(1) **General.** *ARC systems*, whether required by Sections 403 or 917 of the *Building Code* or installed voluntarily, shall be designed, installed, operated and maintained in compliance with FCC regulations, [FC511] FC510, Section [917] 916 of the *Building Code*, NFPA Standard 72 as amended by *Appendix Q*, this section and applicable *technical criteria*. Any potential conflicts among these requirements shall be promptly reported to the Technology Management Unit of the *Bureau of Fire Prevention.*

(2) **Required frequencies.** An *ARC system* shall be designed to operate on the simplex *Department* frequencies designated as Channels 1 through 10 and Channel 16, or the duplex *Department* frequencies designated as Channels 11 and 12, as set forth in the *technical criteria*. Pursuant to Section [24.5.2.4.2] 24.9.4.2 of *Appendix Q*, *ARC systems* shall be designed to be upgraded to accommodate changes in *Department* frequencies. The design, installation, operation and maintenance requirements set forth in *Appendix Q*, the *technical criteria* and this section may not be applicable to other *Department* communications and the frequencies on which they are propagated. Any *owner* seeking to install and maintain an in-building radio communication system that operates on any *Department* frequency other than the channels specified in this section shall first obtain *Department* approval in such manner and subject to such terms and conditions as the *Department* may prescribe.

(3) **Application and approval process.** The following *Department* approvals shall be obtained to install and maintain an *ARC system*:

(A) **Application for system design approval.** An application shall be filed by or on behalf of the *owner*, and include *design and installation documents* prepared in accordance with FC105.4 and [R511-01(e)] R510-01(e) and detailing the design and intended operation of the *ARC system*; a written agreement executed by the *owner,* for use of *Department* frequencies, as set

forth in [R511-01(d)(4)] R510-01(d)(4); and such other documentation as the *Department* may require.

(B) **Plan approval.** The Department will review the application for system design approval in accordance with FC105.4 and, if it determines the application to be satisfactory, will approve the documents in accordance with FC105.4.4.

(C) **Commissioning test and application for system acceptance and permit issuance**. Upon installation of an *ARC system* in accordance with the *Department*-approved documents, a commissioning test shall be conducted in accordance with [FC511.2.2.1] FC510.2.2.1 and [R511-01(f)(2)] R510-01(f)(2). The test shall be performed by a person holding a *certificate of fitness* for *ARC system* professional, who is employed by a business holding a *Department* company certificate, as set forth in R115-01. Upon successful completion of the commissioning test, the *owner* shall file an application with the *Department* requesting an acceptance test of the system and issuance of a *permit*. The application shall include a detailed report of the results of the commissioning test, as set forth in [R511-01(e)(2)] R510-01(e)(2) and [R511-01(f)(2)] R510-01(f)(2), and such other information and documentation as the *Department* may require.

(D) **Acceptance test.** The *owner* shall request that the *Department* schedule an acceptance test. The *certificate of fitness* holder who conducted the commissioning test shall be present at the acceptance test and demonstrate operation of the *ARC system* in the presence of *Department* representatives. The *Department* representatives will not conduct a second commissioning test but perform a limited test of the *ARC system* to confirm its operational readiness for *Department* use.

(E) **Permit issuance.** Upon successful completion of the acceptance test, the *Department* will issue a *permit* to maintain and operate the *ARC system.*

(4) **City agreement to operate on FCC-licensed radio frequencies.** *ARC systems* operate on radio frequencies licensed by the *FCC* to the City of New York. The installation of an *ARC system* in accordance with *Building Code* and Fire Code requirements does not constitute legal authority to operate on such licensed radio frequencies. The *owner*, prior to operating an *ARC system*, must obtain the consent of the City of New York to operate on such licensed radio frequencies by executing a written agreement with the City of New York in a form *approved* by the *Department* and submitting it to the *Department* as set forth in [R511-01(d)(3)(A)] R510-01(d)(3)(A). The City will grant temporary consent for purposes of system installation and commissioning testing at time of plan approval, and final consent upon permit issuance.

(5) **Prevention of interference.** An *ARC system* shall be designed, installed, operated and maintained in a manner that does not interfere with any other FCC-licensed radio frequency, including police department, fire department and other public safety agency radio communications. Immediate measures shall be taken to remedy any such interference, including interference intermodulation and spurious emissions, in accordance with *FCC* regulations (as set forth in 47 CFR Part 90), this section and other applicable laws, rules and regulations. The *owner*, and its contractors and agents, shall cooperate with the *Department* in immediately addressing interference issues, and shall repair or replace any *ARC system* or system component causing interference.

(6) **Supervision.** Operation of the *ARC system*, other than by *Department* personnel, including inspection and testing for the commissioning test, annual certification and five-year recertification required by [R511-01] R510-01(f) and (g), shall be under the *personal supervision* of a person holding a *certificate of fitness* as *ARC system* professional and a General Radiotelephone Operator License issued by the *FCC* pursuant to 47 CFR Part 90, who is employed by a company holding an *ARC testing* company certificate. The duties of such *certificate of fitness* holder include ensuring that:

(A) use of the *ARC system* is immediately discontinued if, upon testing, it is found to cause interference in violation of *FCC* regulations and/or other applicable laws, rules and regulations, or upon being directed to do so by a *Department* representative;

(B) the portable radios programmed with *Department* frequencies are used solely for purposes of *ARC system* testing, and for no other purpose; and

(C) notifications to the *Department* required by this section are made in accordance with this section.

(7) **Sharing of system components.** All *ARC system* components shall be dedicated for system use, except that system radio frequency (RF) cabling may be shared with other in-building radio communication systems if such sharing does not interfere with or otherwise impair the operation of the *ARC system*.

(8) **Citywide standard key.** *Owners, impairment coordinators,* and persons authorized to install or maintain *ARC systems*, may possess a *citywide standard key*.

(e) **Design and Installation Requirements.** An *ARC system* shall be designed and installed in accordance with Section [917] 916 of the *Building Code*, the *Electrical Code*, FC [511] 510, NFPA Standard 72 as amended by *Appendix Q,* this section and the *technical criteria. ARC system design and installation documents* shall set forth the information and documentation required by Section [917] 916 of the *Building Code* and such other information and documentation as the *Department* may require, including the following documents:

(1) **Application for system design approval.** A riser diagram and floor plan showing the location of base stations, amplifiers, antennas and other *ARC system* components, formatted and submitted for *Department* review and approval in the same manner as fire alarm system installations, as set forth in R105-01(c)(1). Any sharing of system radio frequency (RF) cabling with other in-building radio communication systems shall be clearly indicated and accompanied by documentation demonstrating that such sharing will not interfere with or otherwise impair the operation of the *ARC system*.

(2) **Application for system acceptance and permit issuance**. A floor plan containing the information set forth in [R511-01(f)(2)] R510-01(f)(2), formatted to folio (11" x 17") size, with a copy of the plan in an *approved* electronic format on a compact disk.

(f) **Commissioning and Acceptance Testing.** Commissioning and acceptance testing shall be conducted in accordance with the following requirements, standards and procedures.

(1) **Radio coverage performance standards.** *ARC systems* shall be designed to achieve, and in operation shall achieve, the radio coverage performance standards set forth in **[**Sections 24.5.2.2 and 24.5.2.3] Sections 24.9.2.1 and 24.9.3 of *Appendix Q*, as measured in the manner set forth in this section.

(A) **Required minimum signal strength and delivered audio quality.** The minimum signal strength of inbound *ARC system* radio signals (as received by a *Department* portable radio at a location remote from the dedicated radio console) and outbound *ARC system* radio signals (as received by the dedicated radio console from a *Department* portable radio) and the average delivered audio quality shall be as set forth in [Sections 24.5.2.1.3 and 24.5.2.2] Sections 24.9.3 and 24.9.1.3 of *Appendix Q*.

(B) **Signal strength measurements.** The signal strength of radio signals received or retransmitted by the *ARC system* shall be measured in the following manner:

(*1)* Measurements shall be taken using:

(*a*) two (2) portable radios, lawfully programmed to transmit on *Department* frequencies pursuant to R115-01(d)(4), one to transmit a radio communication to the *ARC system* and one to receive the retransmission from the *ARC system;*

(*b*) a calibrated spectrum analyzer or a calibrated automatic signal level measurement recording system;

(*c*) a receiving antenna with a gain equal to the antenna on a *Department* portable radio; and

(*d*) a resolution bandwidth nearest the bandwidth of the channel being tested.

(*2*) Signal strength measurements shall be taken as close as possible to the center of each grid cell.

(*3*) Signal strength measurements shall be taken with the antenna held in a vertical position with a center-line between three (3) and four (4) feet above the floor.

(*4*) The delivered audio quality readings shall be assessed and documented on the floor plans.

(*5*) The gain values of any and all amplifiers shall be measured and documented.

(C) **Critical area radio coverage.** The radio coverage performance standard set forth in *Appendix Q* of 100 percent of floor area shall be met in the *critical areas* designated in [Section 24.5.2.2.1] Section 24.9.2.1 of *Appendix Q*, including *sprinkler system* control valves and *standpipe system* hose connections, and any other area of a building designated by the *Department* as a *critical area* based on the *Department*'s review of the *design and installation documents* submitted for an *ARC system* in a particular building.

(D) **General area radio coverage.** The radio coverage performance standard set forth in *Appendix Q* of 95 percent of floor area shall be met or exceeded in all *general areas*.

(2) **Commissioning test**. Upon installation of an *ARC system*, a commissioning test of the *ARC system*, including a radio coverage survey and an inspection and testing of system components, shall be conducted, and the results reported to the *Department,* as follows:

(A) **Radio coverage survey.** The commissioning test shall be conducted in accordance with Annex O of NFPA Standard 1, this section and the *technical criteria*, and shall be considered successful if it confirms that the *ARC system* meets or exceeds the following radio coverage performance standards:

(1) On each floor, radio coverage meets or exceeds the standards set forth in [R511-01(f)(1)] R510-01(f)(1).

(*2*) There shall not be a failure of radio coverage in the same grid area on consecutive floors, such as a consistent failure to achieve the required radio coverage in vertically corresponding grids on multiple consecutive floors of a building.

(*3*) The dedicated radio console is functioning properly and monitoring all system components in accordance with *Appendix Q*.

(B) **Inspection and testing of system components.** *ARC system* components, including those listed on Table 1 of this section, shall be inspected and tested to confirm that the system components are in good working order and are operating as designed.

(C) **Retesting.** Any floor of a building that initially fails to meet or exceed the radio coverage standards shall be retested. The resolution of the floor grid size used for testing purposes shall be decreased by reducing the size of each grid area by at least 50 percent to facilitate precise identification of the building areas in which radio coverage is lacking. A commissioning test that fails to confirm radio coverage requirements meeting or exceeding the standards set forth in [R511-01(f)(1)] R510-01(f)(1) shall be treated as unsuccessful and shall result in a redesign of the *ARC system* on the floor or floors found to have failed the commissioning test.

(D) **Submission of commissioning test results.** The results of the radio coverage survey and inspection and testing of system components shall be signed by the *certificate of fitness* holder who personally supervised the test and submitted by the *ARC system testing* company that employs the certificate holder to the *Department* for review and acceptance. The commissioning test results shall be submitted in the form prescribed by the *Department* and shall include the following information and documentation, and such other information and documentation as the *Department* may require:

(*1*) An audio recording of delivered audio quality at each grid location, with an audio description of the floor designation, marker location and the time of recording.

(*2*) A table setting forth the following information for each test location:

(*a*) Marker location;

(*b*) Received signal strength;

(*c*) Radio frequency used for test;

(*d*) The average delivered audio quality value; and

(*e*) Date of last calibration of spectrum analyzer test equipment used to conduct test.

(*3*) A floor plan for each floor, showing the building's floor area on a series of grids. Each grid shall be a maximum of five (5) percent of the total square footage of *testable area* on each floor, but not more than 1,600 square feet. If an irregular shaped floor plate makes this grid criteria unsatisfactory for testing purposes, an alternative testing grid may be used, subject to *Department* approval. The floor plan shall set forth the following information for each test location:

(*a*) Marker location, correlated with the tabular submission;

(*b*) Grid size(s);

(*c*) *Critical areas*;

(*d*) *General areas*; and

(*e*) Areas that are not *testable areas*, with an explanation as to why such areas are not *testable areas*.

(*4*) A description of the inspection and testing conducted of each of the system components.

(5) A summary and conclusions section. The report shall clearly summarize the test results, and shall include a statement as to whether the test results confirm that the *ARC system* meets or exceeds the standards required by this section, or if not, in what respects it is deficient.

(g) **Operational and Maintenance Requirements.** An *ARC system* shall be operated and maintained in accordance with [FC511] FC510, this section and the *technical criteria*.

(1) **General.** An *ARC system* shall be maintained in good working order.

(2) **Daily inspection.** The *dedicated radio console* shall be inspected daily to confirm that the *ARC system* is operational and that there is no indication of a system malfunction. Daily inspection may, with *Department* approval, be conducted by means of remote monitoring.

(3) **Annual certification.** An *ARC system* shall be inspected and tested not less than once every 12 months to confirm that the system is in good working order, except that every fifth year a five-year recertification pursuant to [R511-01(g)(4)] R510-01(g)(4) shall be conducted in lieu of the annual certification. The inspection

and testing of the *ARC system* shall include the system components listed in Table 1, except that a radio coverage survey is not required. Certification of such inspection and testing and satisfactory system performance shall be submitted to the *Department* in connection with the application for *permit* renewal in such form and manner as the *Department* may prescribe.

(4) **Five-year recertification.** An *ARC system* shall be recertified as properly functioning not less than once every five (5) years in the following manner.

(A) A radio coverage survey of the *ARC system* shall be conducted in the same manner as the commissioning test, and the radio coverage performance standards set forth in [R511-01(f)] R510-01(f) shall apply.

(B) The *Department* shall be given reasonable advance notice of the date of each five-year certification test, which shall be conducted within a continuous 72-hour period. The *Department* reserves the right to require that such test be conducted in the presence of *Department* representatives, and to conduct its own operational readiness testing.

(C) The recertification test shall compare the results with those of the original commissioning test to determine whether there has been any degradation in system performance. If the *ARC system* fails to meet or exceed the applicable radio coverage performance standards, the system shall be repaired or upgraded to achieve such standards.

(D) *ARC system* components, including each of the components listed on Table 1, shall be inspected and tested to confirm that the system components are in good working order and are continuing to operate as designed. Any system component impairing *ARC system* operation or reliability shall be repaired or replaced prior to submission of recertification results.

(E) Successful recertification test results shall be submitted to the *Department* in connection with the application for *permit* renewal in such form and manner as the Department may prescribe.

(5) **Department-ordered testing and demonstrations.** Upon reasonable notice to the *owner,* the *Department* may order a test of an *ARC system* to confirm that it is in good working order or to familiarize *Department* personnel with use of such system.

(h) **Out-of-service systems.** The following actions shall be taken to mitigate the consequences of any *ARC system* that is not fully functional, whether as a result of planned removal from service for maintenance, repair or construction, or an unplanned malfunction affecting system operation.

(1) **Impairment coordinator.** The *owner* shall designate an *impairment coordinator* to take the actions required by this section when an *ARC system* is out of service. In the absence of a specific designee, the *owner* will be considered the impairment coordinator.

(2) **Planned removal from service.** The *impairment coordinator* shall be made aware in advance of any planned removal from service of an *ARC system* for maintenance, repair or construction. The *impairment coordinator* shall authorize the removal of the *ARC system* from service. Before authorizing removal of the system from service, the *impairment coordinator* shall:

(A) determine the extent and expected duration of the out-of-service condition;

(B) maintain the system in service until the maintenance, repair or construction work is ready to begin;

(C) place an impairment tag indicating the nature of the out-of-service condition at the dedicated radio console, *fire command center* or other *approved* location indicating that the *ARC system* is out of service; and

(D) notify the *Department* as set forth in [R511-01(h)(4)] R510-01(h)(4).

(3) **Unplanned out-of-service condition.** Any person who becomes aware that an *ARC system* is out of service for any reason other than a planned removal from service must, upon becoming aware of the out-of-service condition, notify the *owner,* the *impairment coordinator* or, if such persons are not known or not available, any person in charge of the premises of such condition. The *owner* or *impairment coordinator* shall promptly act to address the out-of-service condition in accordance with the procedures set forth in [R511-01(h)(2)(A), (C) and (D)] R510-01(h)(2)(A), (C) and (D).

(4) **Notification of Department.** Pursuant to FC107.1, *ARC* systems shall be continuously maintained in good working order. Notification shall be made to the *Department* of any condition impairing the operational readiness of the *ARC* system, including complete or partial system failure or loss of radio coverage in one or more areas of the building, when the system is not restored to service within 48 hours. Such notification shall be made by calling the telephone number set forth in [FC401.2.2] FC901.10 for the borough in which the *ARC system* is located, and shall include the information set forth in FC901.7.5.3 as it relates to the out-of-service condition affecting the *ARC system*. Notification shall not be made for conditions that do not presently affect the operational readiness of the system, such as warning signals of the need for future servicing.

(5) **Restoring system to service**. When the *ARC system* has been repaired and restored to service, the impairment coordinator shall:

(A) verify that all inspections and tests required by law, rule, regulation or Referenced Standard, including [Annex O of NFPA Standard 1] Appendix Q, have been conducted to confirm that the system has been restored to good working order;

(B) if notification was required to be made to the *Department* pursuant to [R511-01(h)(4)] R510-01(h)(4), notify the *Department* that the system has been restored to good working order; and

(C) remove impairment tags.

(i) **Recordkeeping.** A logbook or other *approved* form of recordkeeping for the maintenance of the *ARC system* shall be maintained for a period of six (6) years, together with a complete copy of test results and other documentation of *ARC system* maintenance. The logbook shall include entries for the following maintenance requirements:

(1) Commissioning test results, as required by [R511-01(f)(2)] R510-01(f)(2);

(2) Daily inspection of the system status, as required by [R511-01(g)(2)] R510-01(g)(2);

(3) Annual certification test results, as required by [R511-01(g)(3)] R510-01(g)(3);

(4) Five-year recertification test results, as required by [R511-01(g)(4)] R510-01(g)(4);

(5) Planned removals from service for maintenance, repair or alteration of the *ARC system*, including the extent and duration of any removal and related notifications to the *Department*; and

(6) Unplanned out-of-service conditions, including a description, extent and duration of any system malfunction, corrective actions taken, and related notifications to the *Department.*

(j) **Lawfully Existing In-Building Radio Communication Systems.** Notwithstanding the provisions of this section, the operation of an in-building radio communication system that was approved for installation by the *Department of Buildings* and/or the *Department* prior to December 31, 2014, and that was designed to enhance *Department* communications in a manner similar to an *ARC system*, may be continued under the following circumstances and subject to the following requirements:

(1) **Prior approval.** Such system must have been approved for installation by the *Department of Buildings* and/or the *Department* prior to January 1, 2015.

(2) **Applicable standards.** Such system shall be operated and maintained in compliance with the *design and installation documents* and standards under which such system was approved, and the following requirements:

(A) **Permit.** A *permit* shall be obtained for such system.

(B) **Use of City frequencies and compliance with FCC regulations.** A written agreement with the City of New York for use of *Department* frequencies shall be executed and such system shall be operated and maintained in compliance with [R511-01(d)(1), (2), (4), (5) and (6)] R510-01(d)(1), (2), (4), (5) and (6).

(C) **Supervision.** Operation of such system shall be supervised in accordance with [R511-01(d)(6)] R510-01(d)(6).

(D) **Radio coverage.** A commissioning test shall be conducted in accordance with Section [R511-01(f)(2)] R510-01(f)(2) within one (1) year from January 1, 2016, and an *ARC system* company certificate holder shall submit such results to the *Department.* Any such system that fails to meet or exceed the radio coverage performance standards set forth in [R511-01(f)(1)] R510-01(f)(1) shall be upgraded to meet or exceed such standards, or an application made to the *Department* for approval of appropriate mitigation measures to address gaps or other deficiencies in radio coverage. Such measures may include signage in building lobbies and/or in areas of the building in which such gaps exist.

(E) **Operational and maintenance requirements.** Such systems shall be operated and maintained in accordance with [R511-01(g), (h) and (i)] R510-01(g), (h) and (i).

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Table 1
Commissioning Test and Periodic Maintenance Requirements for In-Building Auxiliary Radio Communication Systems

ARC System Component/System Malfunction
Dedicated Radio Console
Control unit
Lamps and LEDs
Radio desk-set
Audio levels
Control levels
Base Station
Wireless signals
Transceivers
System performance
Radio ID pass-through
Emergency alert pass-through
Base Station Failure Monitoring
Low transmit power
Over temperature
High voltage standing wave ratio
Loss of alternating current (AC) or primary power source on the base station
Low battery capacity
Antenna failure
Signal amplification
Tamper switch
Antenna Systems
Amplifiers
Antennas
Power Supply
Primary (main) power supply
Engine-driven generator
Secondary (standby) power supply
Uninterrupted power supply (UPS)
Battery Tests
Primary battery performance test
Secondary battery/batteries performance test

§66. Section 608-01 of Title 3 of the Rules of the City of New York is 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 further set forth in §67.

§67. Section 608-01 of Title 3 of the Rules of the City of New York is amended to read as follows:

608-01 Outdoor Stationary Energy Storage [Battery] Systems

(a) **Scope.** This section governs the design, installation, operation and maintenance of outdoor *stationary energy storage [battery]systems* for all energy storage uses, including *stationary energy storage [battery]systems* installed on a mobile trailer (or other form of mobile installation). This section does not govern the design, installation, operation and maintenance of:

(1) indoor *stationary energy storage [battery]systems*;

(2) *stationary energy storage [battery]systems* specifically designed and used for an emergency, standby or uninterruptible power supply; and

(3) outdoor *stationary energy storage [battery]systems* with an aggregate rated energy capacity of not more than 250 kWh that are a component of individual *motor vehicle* charging stations and used for the purpose of *motor vehicle* charging.

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

Flow battery. A storage battery that stores and generates an electrical current by ion exchange through a membrane separating liquid electrolytes.

Lead acid battery. A storage battery that is comprised of lead electrodes immersed in sulfuric acid electrolyte, including vented (flooded) or valve regulated lead acid (VRLA) batteries, as those terms are defined in [FC602.1] FC202.

Lithium-ion (Li-ion) battery. A lithium-ion battery, as that term is defined in [FC602.1] FC202.

Nickel cadmium (Ni-Cd) battery. A *nickel cadmium battery*, as that term is defined in [FC602.1] FC202.

Nickel metal hydride (NiMH) battery. An alkaline storage battery in which the positive active material is nickel oxide, the negative active material is a hydrogen-absorbing alloy, and the electrolyte is potassium hydroxide.

Stationary energy storage [battery] system. A rechargeable electrochemical energy storage system, consisting of one or more interconnected storage batteries, inverters and

other electrical equipment, designed as a stationary installation (or mounted to a trailer for mobile use) to provide electrical power. *Stationary energy storage [battery]systems* typically include associated fire protection, explosion mitigation, ventilation and/or exhaust systems.

Storage battery unit. A storage battery system in the configuration in which it was tested and *listed* to Underwriters Laboratories Standard 9540 (UL Standard 9540), including any cabinet or other enclosure.

(c) **General Provisions**

(1) **Applicability.** This section supplements FC608 by addressing *stationary energy storage [battery]system*s that are installed outdoors for energy storage uses. Rooftop installations are deemed outdoor installations solely for purposes of this section. The design and installation of *stationary energy storage [battery]systems* shall also comply with the requirements of the *Department of Buildings*.

(2) **Battery system size thresholds.** *Stationary energy storage [battery]systems* are classified by size as small, medium or large for each type of battery technology, as set forth in Table 1 of this section. The size of the *stationary energy storage [battery]system* is based on the energy storage/generating capacity of such system, as rated by the manufacturer, and includes any and all storage battery units operating as a single system. Table 1 is not applicable to multiple battery systems operating independently at a single premises, which are subject to R608-01(c)(9).

Table 1
Stationary *Energy* Storage [Battery]System Size Thresholds

Battery Technology	**Aggregate Rated Energy Capacity**		
	Small	**Medium**	**Large**
Lead Acid Battery	>2 kWh and ≤70 kWh	>70 kWh and ≤ 500 kWh	> 500 kWh
Ni-Cd Battery	>2 kWh and ≤70 kWh	>70 kWh and ≤ 500 kWh	> 500 kWh
NiMH Battery	>2 kWh and ≤70 kWh	>70 kWh and ≤ 500 kWh	> 500 kWh
Li ion Battery	>2 kWh and ≤20 kWh	>20 kWh and ≤ 250 kWh	> 250 kWh
Flow Battery	>2 kWh and ≤20 kWh	>20 kWh and ≤ 500 kWh	> 500 kWh

(3) **Battery system compliance requirements.** *Stationary energy storage [battery]systems* shall comply with all requirements of this section applicable to the type of installation, as specified in Table 2.

Table 2
Stationary *Energy* Storage [Battery]System Compliance Requirements

Section	**Compliance Requirement**	**Small**	**Medium**	**Large**

(c)	**General Provisions**			
(c)(4)	Permit	No	Yes	Yes
(c)(5)	Supervision (Certificate of Fitness)	Yes	Yes	Yes
(c)(6)	Obligations of Owner and Operator	Yes	Yes	Yes
(c)(7)	Listing and Full-Scale Testing Standards			
(c)(7)(A)	• Listing			
	○ *Lead Acid Battery*	Yes	Yes	Yes
	○ *Ni-Cd or NiMH Battery*	Yes	Yes	Yes
	○ *Li-Ion Battery*	Yes	Yes	Yes
	○ *Flow Battery*	Yes	Yes	Yes
(c)(7)(B)	• Full-Scale Testing			
	○ *Lead Acid Battery*	No	No	No[g]
	○ *Ni-Cd Battery*	No	No	No[g]
	○ *NiMH Battery*	No	No	No[g]
	○ *Li-Ion Battery*	Yes	Yes	Yes
	○ *Flow Battery*	No	No	No[g]
(c)(8)	• Manufacturer's Requirements	Yes	Yes	Yes
(c)(9)	• Multiple Battery System Approval	No[a]	Yes	Yes

Section	Compliance Requirement	Small	Medium	Large
(c)(10)	• Mobile Battery Systems/Equipment Approval	Yes[b]	Yes[b]	Yes[b]
(d)	• Equipment Approval	Yes[b]	Yes[b]	Yes[b,h]
(e)	• Installation Approval	No	No[f]	Yes
(f)	• Commissioning and Decommissioning	No[c]	Yes	Yes
(g)	**General Design and Installation Requirements**			
(g)(1)	• Location and Construction	Yes	Yes	Yes
(g)(2)	• Remote Monitoring	Yes	Yes	Yes
(g)(3)	• Electrical Components	Yes	Yes	Yes
(g)(3)(C)	○ Secondary Power	No	Yes	Yes
(h)	**Enclosure Design and Installation Requirements**			
(h)(1)	• Human Occupancy Prohibited	N/A	Yes	Yes
(h)(2)	• Racks	N/A	Yes	Yes
(h)(3)	• Fire Extinguishing System	No[d]	No[d]	Yes
(h)(4)	• Explosion Mitigation	No[d]	No[d]	Yes
(h)(5)	• Fire Detection	No[d]	Yes	Yes
(h)(6)	• Gas Detection			
	○ *Lead Acid Battery*	Yes[e]	Yes	Yes
	○ *Ni-Cd and NiMH Battery*	Yes[e]	Yes	Yes
	○ *Li-Ion Battery*	No	No[d]	No[d]
	○ *Flow Battery*	Yes[e]	Yes	Yes
(h)(7)	• Detector Alarm Notification	No[d]	Yes	Yes
(h)(8)	• Ventilation System	No[d]	No[d]	Yes
(h)(9)	• Smoke/Gas Purge System	No[d]	No[d]	Yes
(i)	**Operational and Maintenance Requirements**			
(i)(1)	• Remote Monitoring of [Battery]<u>Energy Storage</u> Management System and Reporting	Yes	Yes	Yes
(i)(2)	• Central Station Monitoring of Fire Protection System	N/A[d]	Yes	Yes
(i)(3)	• Remote Monitoring at Constantly Attended On-Site Location	No	No	No
(i)(4)	• Technical Assistance	Yes	Yes	Yes

(i)(5)	• Emergency Management	Yes	Yes	Yes
(i)(6)	• Signage	Yes	Yes	Yes
(i)(7)	• Maintenance			
(i)(7)(A)	o Periodic Inspection	No	Yes	Yes
Section	**Compliance Requirement**	**Small**	**Mediu m**	**Large**
(i)(7)(B)	o Restoration to Service After Serious Failure	Yes	Yes	Yes
[(i)(7)(B)] (i)(7)(C)	o Replacement Components	Yes	Yes	Yes
[(i)(7)(C)] (i)(7)(D)	o Combustible Waste	Yes	Yes	Yes
[(i)(7)(D)] (i)(7)(E)	o Storage of Combustible Materials	Yes	Yes	Yes
(j)	**Recordkeeping**	Yes	Yes	Yes

a. Except for multiple small battery systems installed in a single enclosure or as part of a single installation.
b. Except for battery systems tested and *listed* by a nationally recognized testing laboratory with installation conditions, as set forth in R608-01(c)(7)(C), or other *approved listing* based on *approved* test data.
c. Except for: (1) notifying the *Department* of the *certificate of fitness* responsible for supervision of the installation; and (2) coordination of removal and transportation of small battery systems experiencing abnormal temperature or gas emission readings, as set forth in R608-01(f)(3)(C).
d. Unless required as a condition of equipment approval based on full-scale testing. The *Department* will assess the results of the full-scale testing to determine whether there are any hazards that are not resolved or mitigated by the equipment or installation design and, if the installation is approved, prescribe appropriate safeguards.
e. Required for equipment approval, as an element of the storage battery unit design, not as part of a battery system enclosure.
f. Limited post-installation review by inspection unit for *Department* permit issuance only.
g. *Approved* test data is required for explosion mitigation measures. If no other *approved* test data is available, test data from UL Test Method 9540A testing will be required.
h. Except project-specific installation designs. Large installations that utilize full-scale tested and *Department*-approved *storage battery units* in non-standard configurations or other project-specific designs may be field-tested in accordance with UL Standard 9540 or other *approved* standard.

(4) **Permit.** When required by Table 2 of this section, a *permit* is required to maintain and operate a *stationary energy storage [battery]system*.

(5) **Supervision.** A *stationary energy storage [battery]system* shall be operated and maintained under the *general supervision* of a person holding a *certificate of fitness*, who shall:

(A) be trained and knowledgeable in the installation and operation of the battery system, such as a person engaged in the design or installation of such systems;

(B) possess the manufacturer's installation and operating specifications for each battery system and any associated fire protection systems;

(C) immediately report any emergency condition affecting a battery system to the *Department*; and

(D) provide technical assistance about the stationary *energy* storage [battery]system installation to the *Department* in accordance with R608-01(i), and, in coordination with the [battery] energy storage management system monitoring facility, identify a subject matter expert (such as a representative of the manufacturer) who can provide technical assistance about the battery's design and performance in the event of an emergency condition affecting the battery system.

(6) **Obligations of owner and operator.** Both the owner of the premises at which the *stationary energy storage [battery]system* has been installed, and the business responsible for the battery system's operation, if any, are responsible for compliance with all battery system installation, operational and maintenance requirements, including the lawful and proper removal and disposal of the battery system.

(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:

(1) Underwriters Laboratories (UL) Standard 1741 (2010 edition), entitled "Inverters, Converters, Controllers and Interconnection System Equipment for Use With Distributed Energy Resources;"

(2) Underwriters Laboratories (UL) Standard 1973 (2018 edition), entitled "Batteries for Use in Light Electric Rail (LER) Applications and Stationary Applications;" and

(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.

(C) **Listing with installation conditions.** Upon approval by the *Department* and the *Department of Buildings* of a *listing* standard that is used to establish *listings* with installation conditions based upon test data, such *approved listing* standard shall replace the existing listing and testing standards set forth in R608-01. The *approved listing* standard and *listings* shall supersede the equipment approval process set forth in R608-01 and, to the extent addressed in such *approved listing*, the required separation distances.

(8) **Manufacturer's requirements**. *Stationary energy storage [battery]systems* shall be designed, installed, operated and maintained in compliance with the manufacturer's specifications.

(9) **Multiple battery systems**. Installation of more than one *stationary energy storage [battery]system* on a single premises requires *Department* review and approval and is subject to such additional or alternative requirements as the *Department* may impose in the interests of public safety. Multiple small *stationary energy storage [battery]systems* are not subject to this requirement if they:

(A) are not part of a single installation or installed in a single enclosure; and

(B) operate independently of each other and are not interconnected with other small, medium or large battery systems.

(10) **Mobile battery systems**. *Stationary energy storage [battery]systems* installed on a trailer or otherwise designed to be moveable for use at multiple locations shall be designed, installed, operated and maintained in compliance with the provisions of this section, including equipment approval, except as follows:

(A) Installation approval (R608-01(e)) is not required. The equipment approval application submitted to the *Department* pursuant to R608-01(d) shall include information and documentation relating to the design of the trailer and the installation of the battery system. Any limitations on the use of mobile battery systems will be addressed through conditions on the equipment approval.

(B) Compliance with commissioning and decommissioning requirements (R608-01(f)) is not required, except that decommissioning of a malfunctioning battery system shall be coordinated with the *Department* in accordance with R608-01(f)(3)(C).

(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:

(1) Any application filed with the *Department of Buildings*; and

(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:

(A) each type of storage battery unit;

(B) the cabinet, container or other enclosure, and, if the installation consists of more than one storage battery unit, the arrangement of the storage batteries, including any rack storage (with seismic support criteria) and aisle dimensions;

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

(D) any fire extinguishing system intrinsic to the unit or enclosure;

(E) any fire detection and gas detection systems intrinsic to the unit or enclosure; and

(F) any ventilation and/or exhaust system intrinsic to the unit or enclosure.

(e) **Installation Approval**. When required by Table 2 of this section, the design of each *stationary energy storage [battery] system* shall be approved by the *Department*. The *owner* shall obtain *Department* approval of the design and installation documents in accordance with this section. The application for installation approval shall include the following information and documentation and such other information and documentation as the *Department* may require:

(1) Any application filed with the *Department of Buildings*;

(2) The *Department* equipment approval for each *battery system unit* (or a separate application for such equipment approval);

(3) A site plan containing the following information:

(A) Exact location of the *stationary energy storage [battery]system* installation; including location of access panel or enclosure entrance(s);

(B) Surrounding public streets, fire apparatus access roads and pedestrian walkways;

(C) All buildings and structures on the premises (or within 100 feet, whichever is less), identified by occupancy group and construction type, and any measures to mitigate the impact of storage battery or battery system on adjoining buildings or structures or other site-specific hazard mitigation, including those required by a UL Standard 9540 hazard mitigation analysis.

(D) Any walls or fencing enclosing the installation or the premises on which it is located.

(E) All transportation and utility infrastructure, including electrical power lines, within 250 feet of the installation.

(F) Location and content of signage.

(G) Location and type of other *stationary energy storage [battery]systems* located on the premises or within 50 feet of the proposed installation (if 50 feet extends to other premises, as determined by visual inspection of the outdoor space or reasonable inquiry of the owner).

(H) Emergency shutdown procedures, including the location of the *stationary energy storage [battery]system* emergency shut down control; and

(4) A commissioning and decommissioning plan, including disposal procedures, in accordance with R608-01(f).

(f) **Commissioning and decommissioning.** *Stationary energy storage [battery]systems* shall be commissioned (installed and activated for use) and decommissioned (deactivated from use and removed from the premises) in accordance with the following procedures:

(1) **Commissioning.** *Stationary energy storage [battery]systems* shall be installed by trained and knowledgeable persons in accordance with manufacturer's specifications. Upon completion of the installation, the *certificate of fitness* holder assuming responsibility for supervision of the battery system shall authorize it to be activated, after confirming that the battery system is in good working order and operating in accordance with manufacturer's specifications.

(2) **Decommissioning.** The *certificate of fitness* holder supervising a *stationary energy storage [battery]system* shall be responsible for its decommissioning. The deactivation, de-energizing, dismantling and removal of the *stationary energy storage [battery]system* shall be conducted by trained and knowledgeable persons in accordance with manufacturer's specifications. The *owner*, manufacturer, installer, hazardous materials carrier or other party responsible for removal, transportation and/or disposal of the *stationary energy storage [battery]system* shall ensure that the battery system is lawfully decommissioned, transported and disposed of in accordance with *USDOT* hazardous materials regulations and other

applicable laws, rules and regulations. The *owner*, manufacturer or installer of *stationary energy storage [battery]systems* shall have an emergency management plan or protocol that includes procedures for notifications and technical assistance in accordance with R608-01(i)(4) and (5) and all other actions necessary for mitigation and decommissioning (or restoration to normal operation).

(3) **Notice to Department**. Notice of the commissioning and decommissioning of *stationary energy storage [battery]systems* shall be given to the *Department*, and the removal of a malfunctioning system coordinated with the *Department*, as follows:

(A) **Small battery systems.** The *owner* or *certificate of fitness* holder shall notify the *Department* of the commissioning or decommissioning of a small *stationary energy storage [battery]system*, by emailing to tech.mgt@fdny.nyc.gov no later than two (2) business days after installation, the battery type, manufacturer and rated energy capacity, and the name and *certificate of fitness* number of the *certificate of fitness* holder who will be, or is no longer, responsible for supervision of the system.

(B) **Medium and large battery systems.** The *owner* shall notify the *Department* of the commissioning or decommissioning of a medium or large *stationary energy storage [battery]system* and give *Department* representatives the opportunity to attend the commissioning or decommissioning to monitor the process; familiarize themselves with a commissioned battery system's installation and operation; and/or confirm the proper decommissioning of a battery system in accordance with the *approved* decommissioning plan. The *owner* shall notify the *Department* by emailing the date, location, type and size of the battery system installation to tech.mgt@fdny.nyc.gov not later than two (2) business days prior to the scheduled action. No confirmation is required and the scheduled action can proceed in the *Department*'s absence. If the action is rescheduled, amended notice shall be given to the *Department* in as timely a manner as circumstances allow.

(C) **Decommissioning of malfunctioning battery system**. The removal and transportation of any battery system that has given abnormal temperature or gas emission readings as a result of physical damage, exposure to fire or other actual or potential cause of damage, shall be coordinated with the Hazardous Materials Unit of the *Department's* Bureau of Operations, who may send representatives to monitor the decommissioning process. The Hazardous Materials Unit shall be notified two (2) business days prior to the scheduled action, or in as timely a manner as circumstances allow, by calling the *Department* Communications Office in the borough in which the battery system is located.

(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:

(A) **Outdoor location.** *Stationary energy storage [battery]systems* shall be located outdoors. This includes rooftops when authorized by this section. Medium and large battery systems shall not be installed in enclosed areas without direct access from a public street, or fire apparatus access road, unless full-scale testing demonstrates intrinsic safety, or hazard mitigation measures that the *Department* determines to be appropriate for the particular location are provided.

(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.

(C) **Separation distances**. *Stationary energy storage [battery]systems* shall be located a minimum of 10 feet from the following exposures, except where lesser or greater distances are required by the equipment approval or installation approval based on full-scale testing data that indicate that a battery system fire will or will not adversely impact one or more of the following exposures:

(*1*) Lot lines;

(*2*) Public streets, fire apparatus access road, public walkways and other public ways;

(*3*) Any vehicle parking;

(*4*) Any building entrance, openable window, or ventilation intake;

(*5*) Any exit discharge or other means of egress from a building or outdoor area;

(*6*) Any outdoor hazardous materials or combustible materials storage facility or area;

(*7*) Any outdoor storage facility or area for high-piled combustible materials or other combustible items;

(*8*) Overhead power lines or other aboveground electrical installation, measured from the boundary of the utility easement or, if there is no easement, from the vertical plane of the installation at its widest point; and

(*9*) Any public utility or transportation infrastructure.

(D) **Rooftop locations.** *Stationary energy storage [battery]systems* may be located on a building rooftop, subject to the following requirements:

(*1*) The building roof covering or roofing system, or other *approved* material placed underneath the rooftop battery system installation, shall be noncombustible for a distance of five (5) feet from such installation.

(*2*) Rooftop battery system installations, including structural, electrical or other associated equipment, shall not obstruct the rooftop access and clear path required by FC504.4 for buildings 100 feet or less in height. Rooftop battery systems may be installed underneath solar panels, subject to the access and clearance requirements set forth in R608-01(g)(1)(D).

(*3*) There shall be access to the rooftop from a building stairway, or other means of rooftop access authorized by the *Building Code.* A safe, unobstructed path must be provided from the bulkhead door or other point of entry to the entrance(s) to the battery system enclosure or to the service/access panel (if any).

(*4*) Any dunnage or other structural support for the battery system installation shall have a minimum one (1) hour fire rating for small and medium battery systems and two (2) hours for large battery systems.

(*5*) On rooftops of buildings provided with a standpipe, a minimum of two (2) standpipe hose outlets shall be provided within the building bulkhead, in accordance with FC912, at an *approved* distance from the *stationary energy storage [battery]system* installation sufficient to ensure safety of firefighting operations. On rooftops of buildings that do not have a standpipe, an *approved* water supply source shall be provided for firefighting operations. If a standpipe is provided for the battery system installation, the fire department connections shall be identified by durable signage or markings conspicuously posted at street level in accordance with FC912.

(*6*) Rooftop installations shall comply with the separation distances set forth in R608-01(g)(1)(c) for means of egress; hazardous materials or combustible materials storage facility or area; overhead power lines or other aboveground electrical installation; public utility or transportation infrastructure; and other *stationary* <u>*energy*</u> *storage [battery]system* installations.

(*7*) Rooftop installations shall be located a reasonable distance (but not less than 10 feet) from the bulkhead entrance door or other rooftop access location pursuant to R608-01(g)(1)(D)(3).

(8) Valve-regulated lead-acid (VRLA) and flow batteries may not be installed on rooftops unless the applicant demonstrates to the satisfaction of the *Department* that the hazardous materials used in such systems can be safely stored and used on a rooftop, and the application adequately addresses leak detection, spill containment and the movement of such *hazardous materials* through the building.

(E) **Physical Protection.** *Stationary* <u>*energy*</u> *storage [battery]system* installations shall be protected from damage in accordance with the following requirements:

(*1*) **Temperature.** The storage battery or battery system shall be designed for operation throughout the entire expected range of ambient temperature, in accordance with manufacturers' specifications, or provided with appropriate protection from damage from extreme ambient temperatures.

(*2*) **Vehicle impact protection**. Where the battery system is subject to impact by a motor vehicle or other motorized equipment, such as a fork lift or other powered industrial trucks, vehicle impact protection shall be provided in accordance with FC312.

(*3*) **Security**. The battery system installation shall be secured against unauthorized entry. All battery system enclosures shall be securely locked and, where appropriate, safeguarded by a chain link fence or other *approved* barrier.

(2) **Remote monitoring.** All *stationary* <u>*energy*</u> *storage [battery]systems* shall be designed to transmit data regarding battery system status and temperature to a remote monitoring facility.

(3) **Electrical components.** The electrical components of *stationary energy storage [battery]systems* shall be designed and installed in accordance with the following requirements:

(A) **Compliance with testing standard.** The electrical components of the battery system shall comply with UL Standard 9540.

(B) **Operating conditions.** The electrical components of the battery system shall be designed to operate safely during normal battery system operating conditions.

(C) **Secondary power.** A separate source of electrical power shall be provided for battery system controls and safety functions, unless the battery system is designed to power such systems for at least 30 minutes after battery system shut-down. A separate source of electrical power shall be provided for all external battery safety systems, including detection, ventilation and smoke/gas purge systems. Such secondary power can be supplied from any independent power source. If the secondary power supply is an emergency power system designed in accordance with the *Building Code*, it shall be capable of supplying secondary power for a duration of two hours.

(D) **Emergency shut down.** An emergency shut down control (e-stop), in the form of a red button or other *approved* design, designed to shut down all *stationary energy storage [battery]system* operations (without affecting the fire protection systems and other safety measures required by this section) shall be provided at the fire department connection, if any, utility connection or other *approved*, conspicuous outdoor location on the premises that is accessible to emergency response personnel and is a reasonable distance (but not less than 10 feet) from the *stationary energy storage [battery]system* installation. The shut down control shall be secured in a lock box operable by a *citywide standard key* (2642 key) in accordance with FC506. Signage shall be provided as set forth in R608-01(i)(6).

(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:

(1) **Human occupancy prohibited.** No *stationary energy storage [battery]system* shall be housed in an enclosure used for human occupancy. Access to such an enclosure (whether walk-in or reach-in) shall be provided solely for maintenance purposes, including inspection, testing, servicing and repair of the battery system.

(2) **Racks.** *Stationary energy storage [battery]systems* may be installed on open racks within enclosures provided that water-based fire extinguishing, explosion

mitigation, ventilation and smoke/gas purge systems are provided within the enclosure in accordance with R608-01(h).

(3) **Fire extinguishing system**. An *approved* dry pipe water fire extinguishing system designed and installed in accordance with NFPA Standard 15 [(2007] (2017 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*.

(5) **Fire detection system.** An *approved* automatic fire detection system shall be installed in battery system enclosures in accordance with FC907. System activation shall initiate alarm, shut down and hazard mitigation measures in accordance with R608-01(h)(7).

(6) **Gas detection system.** An *approved* gas detection system shall be installed in battery system enclosures in accordance with FC908. The placement of detectors shall be in accordance with manufacturer's specifications. When the level of flammable gas inside the battery system enclosure exceeds 25 percent of the *LFL*, the gas detection system shall initiate alarm, shut down and hazard mitigation measures in accordance with R608-01(h)(7).

(7) **Detector alarm notification.** Activation of a fire or gas detector in a battery system enclosure shall initiate the following notifications and other actions:

(A) Activate a distinct audible and visible alarm signal at the battery system installation or an *approved* constantly attended on-site location.

(B) Transmit an alarm signal to the *fire alarm system* and thereby to an *approved central station*.

(C) Shut down the battery system, if warranted.

(D) Activate all necessary shut down and hazard mitigation measures of the ventilation system.

(8) **Ventilation system.** An automatic mechanical ventilation system shall be provided for the space within the battery system enclosure in accordance with the *Mechanical Code* and the following design requirements. The ventilation system shall be designed to maintain optimal operating conditions for the *stationary energy storage [battery]system* in accordance with manufacturer's specifications or Institute of Electrical and Electronics Engineers (IEEE) Standard 1635/ASHRAE Standard 21 (2012 edition), whichever requires a higher level of protection. The ventilation system shall be intrinsically safe for, and/or explosion protected from, any toxic and flammable gases generated by the battery system during normal operating conditions, and shall be designed to limit the maximum concentration of toxic gases inside the battery enclosure to 25 percent of the *permissible exposure limit (PEL)* for such gases, unless full-scale testing demonstrates that the storage battery unit does not generate toxic gas concentrations in excess of 25 percent of *PEL*.

(9) **Smoke/gas purge system.** A manually-operated purge system designed to exhaust heat, smoke and toxic gases generated by the *stationary energy storage [battery]system* during abnormal operating conditions, for use by firefighting personnel, shall be provided for a battery system enclosure. The smoke/gas purge system shall be intrinsically safe and/or explosion protected for any such toxic gases and be designed in accordance with the following requirements:

(A) **Manual operation.** The smoke/gas purge system shall be designed to be manually activated. A manual activation switch shall be installed at the fire department connection, if any; otherwise, near the utility connection or other *approved* location on the premises. The activation switch shall be identified by a conspicuously posted and durable sign that reads: "Battery System Emergency Smoke/Gas Purge." The activation switch shall be secured in a lock box operable by a *citywide standard key* (2642 key) in accordance with FC506.

(B) **Exhaust venting.** The smoke/gas purge system shall vent in a manner that will minimize the risk to surrounding buildings and building occupants, pedestrians, and emergency response personnel. Exhaust 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.

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

(1) **Remote monitoring of [battery]energy storage management system and reporting.** The *owner* of a *stationary energy storage [battery]system* shall arrange for data transmissions from the battery system's [battery]energy storage management system to be continuously monitored (on a 24/7 basis) by a remote monitoring facility staffed by trained and knowledgeable persons retained by the manufacturer or installer of the battery system. The remote monitoring facility shall, without delay, make the following notifications in the event a battery system installed in New York City exceeds or appears likely to exceed thresholds at which fire, explosion or other serious adverse consequences may result:

(A) Notify the *Department* by calling the Communications Office in the borough in which the battery system is located, to alert the *Department* to the unsafe condition;

(B) Notify the *certificate of fitness* holder responsible for the battery system, in a pre-arranged manner, to alert such individual to be ready to provide technical assistance to the *Department* and/or respond to the incident location in accordance with R608-01(i)(4) and (5); and

(C) Notify the manufacturer of the battery system to make a qualified representative available to provide technical assistance to the *Department* pursuant to R608-01(i)(4).

(2) **Central station monitoring of fire protection systems**. All *fire protection systems* protecting the battery system installation, including any *fire extinguishing system*, and fire and gas detection or other *emergency alarm system* required by this section, shall be monitored by an *approved central station*.

(3) **Constantly attended on-site locations.** Battery systems and *fire protection systems* may be monitored at a constantly attended on-site location, but such monitoring may not substitute for the remote monitoring facility and/or *central station* required by R608-01(i)(1) and (2), unless such substitution is approved in writing by the Technology Management Unit of the *Bureau of Fire Prevention*.

(4) **Technical assistance.** Upon request of the *Department,* both the *certificate of fitness* holder responsible for the battery system and the battery system manufacturer shall make available to the *Department* a representative with technical knowledge of the battery system and its operation. Such representative shall be made available as soon as possible, but in any event within 15 minutes of receipt of the *Department*'s request.

(5) **Emergency management.** Upon request of the *Department*, the *certificate of fitness* holder responsible for the battery system and an authorized representative of the *owner* of the premises upon which the battery system is installed shall respond to the location of the battery installation, as soon as possible but in any event within two (2) hours of notification, to assist the *Department* in addressing a fire or other emergency involving or affecting the battery system, and to take all other actions necessary for mitigation and decommissioning of the battery system, or restoration to normal operation in accordance with R608-01(i)(7).

(6) **Signage.** When required by Table 2 of this section, the following signs (or equivalent markings) shall be durably posted for each *stationary* <u>*energy*</u> *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:

(*1*) "Danger: High Voltage," or equivalent signage complying with the requirements of the *Electrical Code*; and

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

(B) **Identification, emergency contact and emergency shut-down signs**. The following signs shall be posted at the fire department connection, if any, utility connection or other *approved*, conspicuous outdoor location on the premises that is accessible to emergency response personnel and that is a reasonable distance (but not less than 10 feet) from the *stationary* <u>*energy*</u> *storage [battery]system* installation. The signage may be posted within a marked, locked box secured by a *citywide standard key* (2642 key). If the location of the signage would not be readily apparent to emergency response personnel, a sign with large lettering (not less than 3 inches high) shall be posted on or adjacent to the battery installation indicating the location of the following signage:

(*1*) **Permit.** The *permit* for the installation, laminated or otherwise suitably weatherproofed.

(2) **Equipment specifications**. The manufacturer and model number of the battery system and electrical rating (voltage and current).

(*3*) **Installation identification**. The number or other unique identifier used by the [battery] <u>energy storage</u> management system remote monitoring facility to identify the installation, which firefighters or other *Department* representatives can reference in communications with the monitoring facility.

(4) **Monitoring facility contact information**. The telephone number of the [battery] energy storage management system remote monitoring facility.

(5) **Certificate of fitness contact information.** The name and telephone number of the *certificate of fitness* holder responsible for the battery system.

(6) **Emergency shutdown procedures**. Emergency shutdown procedures for the battery energy storage system shall be posted at the battery system emergency shut down (e-stop) control and at any attended on-site location. The emergency shutdown instructions shall clearly indicate "GRID SUPPORT SYSTEM" in large letters (not less than 2 inches high) if immediate shut down of the battery system could disrupt public utility operations.

(7) **Maintenance**. The *owner* shall ensure that *stationary energy storage [battery] systems* are periodically inspected, tested, serviced and otherwise maintained in accordance with manufacturer's specifications and the requirements of this section by a person trained and knowledgeable in the specific battery system.

(A) **Periodic inspection.** When required by Table 2 of this section, the battery system shall be inspected by the *certificate of fitness* holder on not less than an annual basis to confirm continued compliance with applicable code, *rule* and *permit* requirements, including checking for the presence of required signage and whether any posted information needs to be updated, and confirming that all required systems are in good working order.

(B) **Restoration to service after serious failure.** Any battery system that undergoes a serious failure, including one that results in a fire, release of flammable or toxic gas, and/or physical damage to system components, shall be removed from service forthwith. The battery system shall not be restored to service until it has been evaluated by a trained and qualified person, repaired and tested, re-commissioned in accordance with R608-01(f) by a person holding a *certificate of fitness*.

(C) **Replacement components.** Any replacement storage battery units or other battery system components shall be designed for the same storage battery technology and/or chemistry and be compatible with the existing battery system installation. In-kind replacement of existing components (consistent with the *listing* for the *storage battery unit* or *energy storage [battery]system*) constitutes maintenance and does not require *Department* review and approval. Replacement of existing components with different battery technologies or chemistries (including the electrolyte chemistry in a flow battery system) or that change the storage/generating capacity or other

functionality of a battery system, or other change to *listed* components, constitutes an alteration of the battery system and shall be submitted for *Department* review and approval, and, as applicable, *Department of Buildings* review and approval, in the same manner as an application for a new *stationary energy storage [battery]system* installation.

(D) **Combustible waste.** *Stationary energy storage [battery]system* installations shall be kept free from the accumulation of combustible waste and combustible vegetation in accordance with FC304.1.

(E) **Storage of combustible materials.** Combustible materials not required for battery system operation shall not be stored in battery system enclosures.

(j) **Recordkeeping Requirements.** A written record of the following information shall be maintained at the premises or other *approved* location by the *certificate of fitness* holder, and, for medium and large battery systems, by the *owner* or operator of the battery system:

(1) Battery system installation and commissioning;

(2) Battery system maintenance, including all inspections, servicing and repair;

(3) Battery system decommissioning and removal;

(4) Installation and maintenance of battery system fire protection systems, including all inspection, testing, servicing and repair; and

(5) Fires or other incidents involving or affecting the battery system.

§68. Subdivisions (b) and (g) of §901-01 of Title 3 of the Rules of the City of New York are 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 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 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 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 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 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 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 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 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) 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 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 (8th 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 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 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 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

(*1*) 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 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 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 container*s 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 container*s 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 container*s 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), (f0 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 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 *piped 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)].

* * *

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 amended to read as follows:

APPENDIX A TO 3 RCNY 109-03

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

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

* * *

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

* * *