

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2004**

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**No. 32**

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Introduced by Council Members Clarke, Koppell, Seabrook, Stewart, Comrie Jr., Boyland and Gonzalez (by request of the Mayor).

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to mechanical refrigeration and to repeal subchapter 18 of chapter 4 of title 27 relating to mechanical refrigeration.**

*Be it enacted by the Council as follows:*

Section 1. Section 27-106 of the administrative code of the city of New York is amended to read as follows:

§ 27-106 Enforcement. This code shall be enforced by the commissioner of buildings, pursuant to the provisions of section six hundred forty three of the New York city charter, as amended, except that the fire commissioner shall also enforce the provisions of this code relating to the approved number of persons in places of assembly (overcrowding), obstruction of aisles, corridors, and exits, *the posting and availability for inspection of equipment use permits, and the availability for inspection of certificates of occupancy or other authorization of lawful occupancy*, and to the maintenance of *installations involving* fire alarm equipment and devices, exit and directional signs, emergency lighting, [and] fire-preventative and fire extinguishing equipment and devices, [and] *refrigerating systems, and storage tanks and auxiliary storage tanks for oil burning equipment*, except that the commissioner of [ports and terminals] *small business services*, shall enforce all the provisions of this code with respect to buildings under the jurisdiction of the department of [ports and terminals] *small business services*. Where the installation of exit and directional signs, emergency lighting and sprinkler and fire alarm protection is required by the fire prevention code, the fire commissioner shall require such installations to be in accordance with the provisions of this code.

§ 2. Section 27-114 of the administrative code of the city of New York is amended by adding a new subdivision (h) to read as follows:

(h) *The installation, alteration or replacement of refrigerating systems as provided in reference standard RS 13-6.*

§ 3. Paragraph 1 of subdivision (d) of section 27-184 of the administrative code of the city of New York is amended to read as follows:

1. Has a capacity of twenty-five tons or less and uses a Group [I] *A1 refrigerant*.

§ 4. Subdivision (c) of section 27-781 of the administrative code of the city of New York is amended to read as follows:

(c) Exception. No equipment use permit or temporary equipment use permit shall be required for any [refrigeration] *refrigerating* system exempted under the provisions of section 27-189 of article eighteen of subchapter one of this chapter; for any system using a group [two] *A2, B1 or B2* refrigerant and having a prime mover of one [h. p.] *horsepower* or less; or for any system using water or air as a refrigerant.

§ 5. Paragraph (3) of subdivision (b) of section 27-946 of the administrative code of the city of New York is amended to read as follows:

(3) No person shall place or install any equipment containing a refrigerant classified in groups [I, II, and III] *A1, A2, A3, B1, B2 or B3* in subchapter thirteen of this chapter, or place or install gas piping or gas consuming devices or any other equipment within any space housing a fire pump that would create a hazardous condition.

§ 6. Section 27-4002 of the administrative code of the city of New York is amended adding a new subdivision 10c to read as follows:

10c. *Department, the fire department of the city of New York.*

§ 7. Section 27-4002 of the administrative code of the city of New York is amended by adding a new subdivision 47 to read as follows:

47. *Refrigerating system, a combination of interconnected refrigerant-containing parts forming a closed circuit in which refrigerant is circulated for the purpose of extracting, then discharging heat.*

§ 8. Paragraph 2 of subdivision (a) of section 27-4026 of the administrative code of the city of New York, as amended by local law 32 for the year 1987, is amended to read as follows:

2. Certificate of qualification [to operate] for refrigerating [systems;] *system operating engineer:*

Original [for a term of three years] .....\$25.00

Renewals [for terms of three years].....\$5.00

§ 9. Paragraph 1 of subdivision p of § 27-4027 of the administrative code of the city of New York, as amended by local law 43 for the year 1988, is amended to read as follows:

1. to maintain [and/] or operate [refrigeration units] *a refrigerating system*

[equal to or above 5 H.P., and/or roof mounted/suspended, and/or ceiling mounted/suspended, or units using group II or group III refrigerants] (per [unit] *compressor*)..... 105.00

§ 10. Subchapter 18 of chapter 4 of title 27 of the administrative code of the city of New York is REPEALED and a new subchapter 18 is reenacted to read as follows:

**SUBCHAPTER 18  
MECHANICAL REFRIGERATION**

**ARTICLE 1**

**PERMITS AND OPERATING REQUIREMENTS**

§27-4190 *Permits.* a. For purposes of this subchapter, refrigerants shall be classified by safety groups in accordance with reference standard RS 13-6 of the building code. Except as otherwise provided in this subchapter, it shall be unlawful to maintain or operate without a permit any refrigerating system that uses a group A1, A2, A3, B1, B2 or B3 refrigerant or that is mounted on or suspended from a roof or ceiling, except a refrigerating system of less than five horsepower that uses a group A1 refrigerant and that is not mounted on or suspended from a roof or ceiling. Such permit shall be posted adjacent to the system or kept on the premises in a location where it can be produced upon request of any representative of the department.

b. Permits shall not be required for refrigerating systems installed in the residence portion of any building; installed in vehicles, vessels or railroad cars; or employing water or air as a refrigerant.

c. The system capacity of a refrigerating system with multiple compressors shall be the aggregate of all the individual compressors.

d. If the department finds that the system creates a hazard to life or property or for other good cause, it may order the system to be shut down until the corrections required by the department are made.

§ 27-4191 *Refrigerating system operating engineer.* a. It shall be unlawful to operate any refrigerating system for which a permit is required under this subchapter and which is a system described in Table 1 of this subchapter, unless such operation is under either the personal supervision or general supervision, as specified in Table 1, of a person who has obtained a certificate of qualification for refrigerating system operating engineer. For purposes of this subchapter, personal supervision shall mean that such person is present on the premises or other proximate location acceptable to the commissioner at all times while the system is in operation and that the operation of such system is under his or her personal direction and control, and general supervision shall mean that such person is responsible at all times for the safe operation of such system when such system is in operation but need not be personally present on the premises at all times while the system is in operation.

b. A certificate of qualification for refrigerating system operating engineer shall be issued by the commissioner to an applicant who has been certified as qualified to operate a refrigerating system and otherwise meets the requirements established for such certificate of qualification, including appropriate experience and/or training in refrigerating systems or related technology. For purposes of issuing such certificate of qualification, the commissioner may approve training courses in refrigeration and related technology.

**TABLE 1  
REFRIGERATING SYSTEM OPERATING ENGINEER**

INSTALLATION DATE	REFRIGERANT GROUP OR	OCCUPANCY TYPE	APPLICATION	POUNDS OF REFRIGERANT IN	SYSTEM HORSE POWER	SYSTEM DESIGN	SUPERVISION REQUIREMENT
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	GROUP OR NAME (see note 1)	TYPE (see note 2)		REFRIGERANT IN SYSTEM	HORSE-POWER	DESIGN	REQUIREMENT
Prior to June 1, 1957	A1	Industrial	Human comfort	More than 50	NA	Not fully automatic	Personal
	A1	Industrial	Human comfort	More than 200	NA	Fully automatic	Personal
	A1	Industrial	Human comfort	More than 50 up to 200	NA	Fully automatic	General
	A1	All except Industrial	All	More than 50	NA	Not fully automatic	Personal
	A1	All except Industrial	All	More than 200	NA	Fully automatic	Personal
	A1	All except Industrial	All	More than 50 up to 200	NA	Fully automatic	General
On or after June 1, 1957	A1	Industrial	Human comfort	NA	More than 50 (or kilowatt equivalency) (see note 3)	NA	Personal
	A1	All except Industrial	All	NA	More than 50 (or kilowatt equivalency) (see note 3)	NA	Personal
Regardless of when installed	A2, A3, B1, B2, B3 and carbon dioxide	All	All	More than 50	NA	Not fully automatic	Personal
	A2, A3, B1, B2, B3 and carbon dioxide	All	All	More than 200	NA	Fully automatic	Personal
	A1	Industrial	All except human comfort	More than 50	NA	Not fully automatic	Personal
	A1	Industrial	All except human comfort	More than 200	NA	Fully automatic	Personal
	A1 and carbon dioxide	Industrial	All except human comfort	More than 50 up to 200	NA	Fully automatic	General
	A1	All	Human comfort	NA	Aggregate exceeds 100 (see note 4)	NA	Personal

*Notes:*

1. For purposes of refrigerating system operating engineer requirements, Refrigerant R-123 shall be treated as a group A1 refrigerant, and carbon dioxide shall not be treated as a group A1 refrigerant.
2. For installations after December 6, 1968, industrial occupancy refers to occupancy groups A, B-1, B-2, D-1 and D-2 as defined in chapter 1 of this title. For installations prior to such date, industrial occupancy refers to that portion of a building used for manufacturing, processing, or storage of materials or products, including, among others, chemical, food, candy, and ice cream factories, ice making plants, meat packing plants, refineries, perishable food warehouses, and similar occupancies.
3. This provision shall not apply to installations approved prior to the effective date of the local law that added §27-4191 of this subchapter. However, an operator shall be required for all systems which contain any single prime mover or compressor in excess of 50 horsepower.
4. This aggregate provision applies only to systems within a single building which are under the sole direct control of a single occupant, lessee or owner. Systems with a rating of 15 horsepower or less or the kilowatt equivalency thereof are excluded from the aggregate.

**ARTICLE 2**

**INSTALLATION, CLASSIFICATION, TESTING AND REFRIGERANT REQUIREMENTS**

§ 27-4192 *Applicable Requirements.* a. All refrigerating systems installed on or after the sixth day of December, nineteen hundred sixty-eight shall be subject to the requirements of the building code and reference standards and rules promulgated thereunder.

b. All refrigerating systems installed prior to the sixth day of December, nineteen hundred and sixty-eight shall be subject to the requirements of this subchapter in effect prior to the effective date of the local law that added this section, except where such installations are altered or replaced, in which event such refrigerating systems shall be subject to the requirements of the building code and reference standards and rules promulgated thereunder.

§ 18. This local law shall take effect immediately.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of the City of New York, passed by the Council on June 28, 2004 and approved by the Mayor on July 12, 2004.

VICTOR L. ROBLES, City Clerk of the Council

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW §27

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed Local Law (Local Law 32 of 2004, Council Int. No. 247) contains the correct text and:

Received the following vote at the meeting of the New York City Council on June 28, 2004: 48 for, 0 against, 0 not voting.

Was signed by the Mayor on July 12, 2004.

Was returned to the City Clerk on July 14, 2004.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel