



Frequently Asked Questions: *Sidewalk Café Heaters*

Which sidewalk cafés can install portable natural gas heaters?

Only sidewalk cafés which are licensed by the Department of Consumer Affairs (DCA) and are unenclosed (open air) are permitted to have approved portable natural gas (not propane) heaters. Unlicensed cafés are not permitted to operate on the public sidewalk. If you are interested in obtaining a DCA license to operate a sidewalk café on the public sidewalk, please visit www.nyc.gov/consumers or call 311. Once you have obtained a DCA Sidewalk Café license, then you should follow the procedures described below to install portable natural gas heaters.

How can I obtain permission to install portable natural gas heaters in my sidewalk café?

To obtain permission to install portable natural gas heaters in your licensed unenclosed sidewalk café, you need to receive approval from the Department of Buildings (DOB) to install both the heater and its accompanying hardware. In order to operate such heaters you must also receive an Open Flame permit for heaters from the Fire Department (FDNY), and restaurant staff must hold an FDNY Certificate of Fitness (#G-93), which allows them to be responsible for supervision of the heater.

What must I submit to DOB to receive permission to install portable natural gas heaters in my sidewalk café?

DOB grants permission to install portable natural gas heaters and their necessary accompanying hardware, namely gas lines and connections. In order to receive approval from DOB, an applicant must submit the following to DOB:

- An official copy of their DCA-approved sidewalk café plan (which can be obtained by contacting the DCA Sidewalk Café Unit)
- An application, including a plan from a licensed architect or engineer which shows the location of the gas piping, gas connections, the approved perimeter of the café, any entrances to the café and restaurant, and the area in which the heaters will be used in the sidewalk café

DOB issued a Fact Sheet and Technical Policy and Procedure Notice (TPPN 2/07) to help applicants understand clearances and requirements. You can download information at http://www.nyc.gov/html/dob/html/development/plumbing_sidewalk_cafe.shtml.

Once DOB has approved the installation of portable natural gas heaters in my DCA-licensed sidewalk café, how do I get FDNY's permission to operate the heater?

After you have been approved by DOB, you must receive an Open Flame permit from FDNY; this Open Flame permit is specifically for the operation of the heater in your café and is distinct from other Open Flame permits for objects such as candles. In order to issue an Open Flame permit for the operation of the heater FDNY must perform an inspection of the heaters proposed for the café.

After FDNY receives notification from DOB that it has inspected and signed off on the installation of the heaters and their accompanying hardware, FDNY will automatically conduct an inspection of your premises. In addition, you may also request the FDNY inspection if you submit proof of the DOB acceptance of the installation (a DOB computer printout showing the plumbing inspection sign-off). If your premises passes the FDNY heater inspection, a temporary Open Flame permit will be immediately issued for the operation of the heater. The permanent permit will follow in the mail.

In addition to the Open Flame permit, the heaters must be supervised at all times by a staff member holding an FDNY Certificate of Fitness (#G-93), who is personally responsible for connecting and disconnecting the heaters. The Certificate of Fitness can be obtained at any point in the approval process, but heater operation may not commence until this has been completed. For more detailed information about the FDNY Open Flame permit or Certificate of Fitness, please visit www.nyc.gov/fdny.

Who else do I need to work with as part of the portable natural gas heater approval process?

In addition to DOB and FDNY, you will need to work with a licensed architect or engineer to develop appropriate plans for the portable natural gas heaters in your café and a licensed plumber to install any necessary hardware such as gas lines and valves. If your proposed sidewalk café is located in a historic district or in or next to a landmarked building or district, you must obtain approval from the Landmarks Preservation Commission. Once plumbing work has been completed and approved, you will have to arrange with Con Edison to turn on the gas. If you lease your space, you may need to consult your landlord first about your plan to install heaters in your café. You may also want to consult your insurance company about the specific policy for your café.

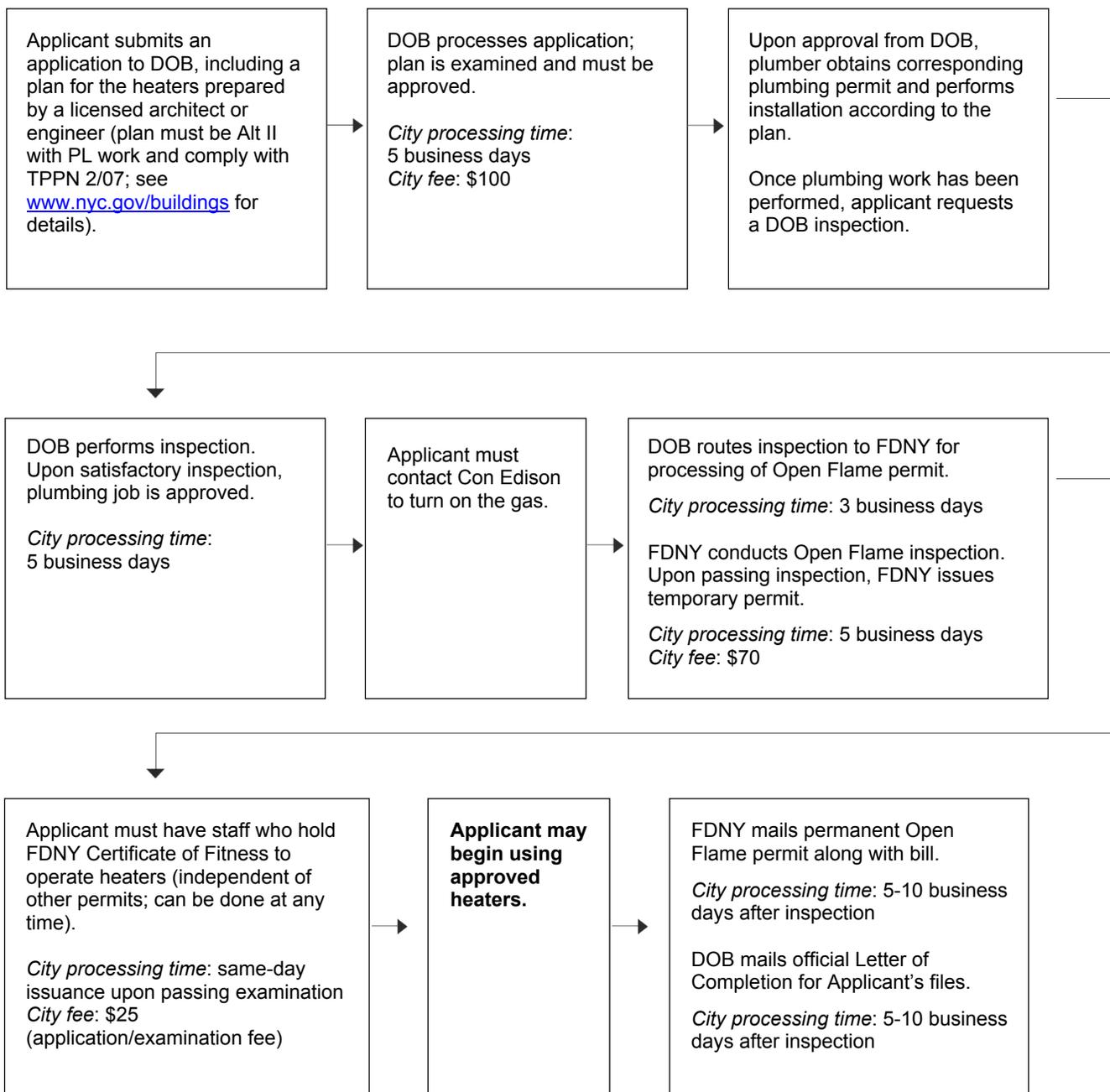
What types of heaters are permitted to be used in sidewalk cafés?

Only portable, outdoor gas heaters approved by DOB are permitted to be used. There are currently two different models of heaters and one type of gas hose that are approved for use. Heaters and equipment receive a Material and Equipment Acceptance (MEA) number after they have been approved by DOB's Office of Technical Certification and Research (OTCR). Manufacturers may submit new devices for approval by DOB's OTCR at any time. For more details on the currently approved sidewalk café heaters, please visit www.nyc.gov/buildings.

What are the specific steps for obtaining the appropriate approvals to have a sidewalk café portable natural gas heater and how long will the process take?

The chart below explains the process in detail. If you have more specific or technical questions, please contact your engineer, architect, or plumber or visit

www.nyc.gov/buildings for details.



When are portable natural gas heaters permitted to be used in sidewalk cafés?

Heaters may be used in licensed, unenclosed sidewalk cafés anytime during the café's normal operating hours, which are 8 a.m. to midnight Monday to Thursday, 8 a.m. to 1 a.m. Friday and Saturday, and 10 a.m. to midnight Sunday.

Is there anything that will prevent me from getting approval for portable natural gas heaters for my café?

You must be a DCA-licensed sidewalk café to be approved for heaters. Therefore, any issues with your DCA license will delay the heater approval process. If you are not in good standing with your DOB Place of Assembly Certificate of Operation (if applicable) or have outstanding violations from DOB or FDNY, then you may not be able to be approved for heaters for your café. In addition, if you are approved for heaters usage in your café, any subsequent violations may be grounds for the revocation of your permission to use heaters, FDNY permits, and your DCA license.

Who should I contact if I have additional questions about this process?

Start by visiting DOB's website for information about sidewalk café heaters (www.nyc.gov/buildings), FDNY's website for information about Open Flame permits or Certificates of Fitness (www.nyc.gov/fdny), or DCA's website for information about sidewalk cafés (www.nyc.gov/consumers). If you have specific questions about the process, please use the contact information below.

Agency	Contact Name	For Specific Questions about:	Contact Information
DOB	Richard Rosen	Application and permit approval process	richardr@buildings.nyc.gov ; (212) 566-3300
DOB	Arthur Cordes	Plumbing inspection related questions	arthurc@buildings.nyc.gov ; (212) 566-5341
FDNY	Public Safety Unit, Bureau of Fire Prevention	Open Flame permits	(718) 999-1007
FDNY	Licensing Unit, Bureau of Fire Prevention	Certificate of Fitness (#G-93)	(718) 999-1988
DCA	Sidewalk Café Unit	DCA sidewalk café approval process	sidewalkcafe@dca.nyc.gov ; (212) 487-4208