



Fire Department Guidance: Comfort Heating of Restaurant Patrons in Outdoor Dining Areas
Bureau of Fire Prevention

Mayor Bill de Blasio has announced the extension of the City’s Open Restaurants program year-round and that participants will be allowed to use expanded heating options and enclosures in outdoor dining areas. Accordingly, the Fire Department has prepared the following guidance for program participants.

Restaurants that want to provide comfort heating for their customers in open dining areas have the following three options as set forth in Mayor’s Emergency Executive Order 153 for the duration of such order.

Temporary outdoor heaters by type	Where are heaters allowed?	What is required?
Electric heaters	Installation of electric heaters is allowed on sidewalks and roadways.	Must be installed and operated in accordance with the Department of Buildings guidance available here .
Portable heaters fueled by piped natural gas	May be used for sidewalk seating only; prohibited on roadways.	<p>Must comply with Department of Buildings guidance available here.</p> <p>Must also comply with Fire Code Section 313.6 and Fire Department rule 3 RCNY 404-03, which requires a Fire Department permit and supervision by a certificate of fitness (“COF”) holder.</p> <p>The Department of Buildings will advise an applicant about when to notify the Fire Department to schedule required Fire Department inspections. Applicant must then contact the Fire Department by email at FDNY.BusinessSupport@fdny.nyc.gov to schedule an inspection. Be sure to provide business name, address, Employer Identification Number (EIN), and Department of Buildings (DOB) application number.</p>
Portable heaters fueled by propane (LPG)	<p>Prohibitions:</p> <ol style="list-style-type: none"> 1. Propane is prohibited on roadways. You may not use a propane-fueled heater of any size on a street or roadway, even if the roadway has been “closed” by the Open Streets/Open Restaurants program. 2. Heaters that use 20-pound propane containers are not allowed in any location that would require propane containers to be brought into a building to transport it to the heater. For example, if you have an outdoor dining area in a rear courtyard accessible only through a building, you are not allowed to use 20-pound propane containers. Similarly, 20-pound containers and heaters that use them are prohibited on rooftops, balconies and terraces. In these locations, your propane options are limited to heaters using one-pound propane containers (see below). 3. Storage of 20-pound propane containers (any container not connected to a heater) is prohibited unless you have been issued an FDNY permit for an approved facility for LPG storage. 4. Propane containers of any size cannot be stored below grade (such as in a cellar or basement) or on a rooftop. 	



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	Where are propane heaters and propane containers allowed?	What is required?
Portable heaters fueled by 20-pound propane containers	<p>Sidewalk seating only when authorized by the Open Restaurants program; prohibited on roadways.</p> <p>Except as prohibited above, also allowed at food service establishments with outdoor dining areas in privately-owned outdoor spaces located at grade (such as front yards, side yards, rear yards or courtyards, and parking lots).</p> <p>Propane in 20-pound containers may be stored only if you have a storage permit (which requires a separate application to the Fire Department).</p>	<p>Use of any portable heater fueled by propane (20-pound and one-pound containers) must comply with the terms of this guidance and Mayor’s Emergency Executive Order 153.</p> <ul style="list-style-type: none"> ▪ Fire Department Certificate of Fitness (T-93) is required in all cases. ▪ Fire Department permit is required for all propane-fueled heaters, regardless of size. ▪ Fire Department permit is required if you have more than 46 pounds of propane. ▪ See #4 and #5 below to learn about how completing an “Attestation” and preparing a site plan will be treated as your application for necessary permits (except storage, which requires a separate filing with the Fire Department).
Portable heaters fueled by one-pound (16.4 oz) propane containers	<p>May be used in the same locations as 20-pound containers. Additionally, heaters that use a one-pound propane container are allowed in backyards and other locations where use of a propane heater would require moving propane through a building, such as rooftops, balconies, and terraces.</p> <p>Storage of one-pound propane containers allowed only as described below.</p>	

Hazards of Propane

Propane is one type of liquefied petroleum gas (LPG). It is flammable and can be readily ignited by a spark. If confined or exposed to fire, propane poses an explosion hazard. Propane is heavier than air, which means it accumulates in low places, where people and ignition sources are present. Based on these hazards, the National Fire Prevention Association has published guidelines on its safe use and storage, which are widely recognized by jurisdictions across the country. The use of propane is also regulated by the Fire Department.

Fire Department Requirements Related to Propane and Propane-Fueled Heaters

The Mayor’s Emergency Executive Order authorizes the use of propane heaters for comfort heating for customers in outdoor dining seating areas with the exception of streets and roadways. Typically, a propane heater is fueled by a 20-pound container of propane. Some models use a one-pound propane container. The following requirements apply:

Permits

This section describes the types of permits associated with the use of propane-fueled heaters for comfort heating at restaurants. Ordinarily, a separate permit application would be required for each permit. In an effort to streamline the permitting process, the Fire Department will accept a completed “Attestation” as described in Number (4) below.



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Along with the required documentation, the Attestation will serve as an application for the appropriate permits to use propane and/or the portable space heater. You will not be required to file separate permit applications.

1. A Fire Department permit is required to store, handle or use propane containers if you have more than 400 SCF (46 pounds). This means that if you have three or more 20-pound containers of propane, you must have a permit to use them. In this context, “use” means that the propane container is connected to a heater. Similarly, you may have up to 45 one-pound containers without a permit. In determining whether you need a permit, keep in mind the total quantity of LPG that you have *for all purposes*, regardless of container size. For example, if you use LPG (such as propane or butane) for food warming or other culinary purposes, such quantities should be included in determining how much propane you have, regardless of container size.

If you want to store any quantity of 20-pound propane containers (including “spare” propane containers that are not connected to a heater), you may do so only if authorized by your Fire Department permit. We anticipate that it may not be feasible for some restaurants to lawfully store propane on the premises and the Fire Department recommends that applicants carefully review storage requirements. A [separate application](#) is required to apply for a storage permit.

Limited storage of one-pound containers is allowable without a permit. See Storage Requirements below.

2. A separate Fire Department permit is required to store, handle or use portable space heaters fueled by propane.

Certificate of Fitness

3. Anyone wishing to store, handle, or use any quantity of propane and propane-fueled heaters at eligible restaurants must have a Fire Department Certificate of Fitness, even if the quantity of propane does not require a permit. The Fire Department has created a new Certificate of Fitness (T-93) specifically related to propane-fueled heaters. To obtain a Certificate of Fitness, an individual must pass a Fire Department examination. Written study materials are available for free on the Fire Department website. Additional information about obtaining the T-93 Certificate of Fitness can be found [here](#).

The Certificate of Fitness holder will be responsible for personally supervising the connecting and disconnecting of propane containers from the heater. Such person will also be responsible for ensuring proper and constant supervision of the heater and must be on the premises at all times while the container is connected to the heater. Such person shall ensure that a heater that is on is never left unattended.

Attestation and Site Plan

4. Participating restaurants who wish to use propane heating may begin doing so after the Mayor’s Emergency Executive Order 153 is issued, provided that owners complete an attestation affirming that they will abide by all requirements and submit a site plan as described below. After the Fire Department receives the attestation and site plan, it will send an email (usually within one business day) confirming that the applicant is authorized to use propane heaters as described in this guidance. Information about completing the attestation is available [here](#).

Owners will be required to provide name, address of participating restaurant, Employer Identification Number (EIN), hours of operation for sidewalk seating areas, a point of contact to answer any questions that arise in connection with the attestation, and attest that they:



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- a. Have read this guidance;
 - b. Have read the study materials [insert hyperlink] for the T-93 Certificate of Fitness;
 - c. Have read the specific manufacturer's recommendations associated with each heater;
 - d. Will abide by all requirements and recommendations specified in this guidance, the study guide and manufacturer's instructions/recommendations;
 - e. Acknowledge that propane heaters in streets and roadways are prohibited;
 - f. Acknowledge that use of portable space heaters fueled by propane shall be restricted to eligible outdoor dining areas only;
 - g. Have provided detailed information about the quantity and type of heaters on hand (including manufacturers, model numbers, size of propane container(s) they accommodate, and, if known, BTU ratings) and will promptly provide updated information on an ongoing basis as new equipment is obtained and put into use;
 - h. Acknowledge that a person holding a certificate of fitness is responsible for personally supervising the connecting and disconnecting of propane containers from the heater. He or she will also be responsible for ensuring proper supervision of the heater and must be on the premises at all times while the container is connected to the heater;
 - i. Will, within three weeks of signing the Attestation, ensure that relevant person(s) obtain the required Certificate of Fitness.
 - j. Will agree to indemnify, protect and hold harmless the City, its officers, agents and employees from and against any and all suits, demands, claims, loss, damage, charges or expense, whether direct or indirect, to which they may be subjected by reason of any damage, loss, or injury to persons or property caused by or resulting from the storage, handling and use of propane and propane-fueled heaters or any wrongful act or negligence by the owner, its employees, contractors or vendors associated with such activities.
 - k. Will not store any 20-pound propane containers at the premises until a permit for storage is issued (unless such storage has already been approved or is otherwise authorized by the Fire Code).
 - l. Will store one-pound containers only as authorized and in accordance with this guidance.
 - m. Acknowledge that if Fire Department inspectors observe noncompliant conditions, they may be ordered to remove the propane containers and the heater.
5. Along with the Attestation, owners who want to immediately start providing comfort heating with propane heaters (before a Fire Department permit is issued) must also submit a site plan demonstrating the specific location(s) of propane-fueled heaters and compliance with the minimum clearances (distance requirements) required in Items 18, 19, and 20 below. The site plan may be hand drawn and does not need to be prepared by an architect, engineer or other qualified person.

Additional Requirements

The National Fire Prevention Association has published guidelines on the safe use and storage of propane heating, which are widely recognized by jurisdictions across the country. The following requirements are generally consistent with nationally adopted standards and are applicable in all circumstances associated with outdoor dining areas authorized by EO 153.

6. Propane heaters must be listed by a nationally recognized testing laboratory. Heaters shall be equipped with a tilt or tip-over switch that automatically shuts off the flow of gas if the appliance is tilted more than 15 degrees (0.26 rad) from the vertical.



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7. Propane heaters are allowed in open, uncovered areas only. Propane heaters are not allowed under tents or other membrane structures, regardless of whether the tent has sides. The only exception to this prohibition is if approval is specifically granted by the Fire Department, which requires an inspection and/or plan review. Email the Fire Department at FDNY.BusinessSupport@fdny.nyc.gov to submit your request. Be sure to include business name, address, and EIN .
8. The maximum size of propane containers is 20 pounds each.
9. Tabletop use of one-pound propane heaters is allowed only if designed for such use and recommended by the manufacturer. In no case may a 20-pound propane container be used with a tabletop heater, even if the heater is designed to accommodate it.
10. Propane containers shall be connected only to heaters intended for use with the size of the container being connected.
11. At least one portable fire extinguisher with 2-A:10-B:C rating must be provided for each 2,500 square feet of dining area.
12. All propane containers must be disconnected from heaters at the close of business. All 20-pound propane containers must be removed from the premises unless owners are able to store them in accordance with the Fire Code and Fire Department rules. Onsite storage of 20-pound propane containers is prohibited indoors. Proposed outdoor storage of 20-pound containers requires plan review and an inspection by the Fire Department.
13. Propane storage on the public sidewalk or the public way is prohibited.
14. Only one propane container per 20-pound heating device is allowed to be at the premises, unless owners are able to store them in accordance with the Fire Code and Fire Department rules.
15. The Certificate of Fitness holder cannot connect/disconnect propane containers of any size to the heater while restaurant patrons are present.
16. Propane heaters in outdoor dining areas situated in parking lots must be adequately protected from vehicle impact with jersey barriers.
17. No smoking signage is required as set forth in Fire Department rule 3 RCNY 310-02.
18. All heating units must be kept at required distances from combustibles, in accordance with manufacturer's instructions and specifications, and in no case less than five feet from any combustible material.
19. No heater shall be stored or used within five feet of any building, except additional clearances are required as follows:
 - a. five feet of any below-grade building opening, including any door, openable window or intake or exhaust vent;
 - b. ten feet of any building of wood frame construction; and
 - c. ten feet of any building entrance.
20. Additionally, heaters may not be used within:
 - a. five feet of any subway vent or other opening that is not a subway entrance or exit;
 - b. ten feet of any subway entrance or exit; and
 - c. ten feet of any vent or fill line of any flammable liquid storage tank.
21. Storage, handling and use of propane and propane heaters shall be subject to Fire Department inspections.

Storage of One-Pound Propane Containers

Storage of one-pound propane containers is not allowed below grade (such as in a cellar or basement), or on a rooftop. One-pound propane containers may be stored on the premises only if the following requirements can be met:



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- a. Total quantities of one-pound LPG containers at the premises, including the containers in use and/or storage for space heating or other authorized purposes (such as food warming, browning, temporary exhibitions or demonstrations), shall be no more than 45 one-pound containers; and
- b. Durable signage shall be provide indicating “No Smoking” and “LPG Storage;” and
- c. When outdoor storage (not on sidewalks or roadway) is available at the premises, one-pound containers shall be stored outdoors at least ten feet from any heat source and from any building/structure openings (including doors, windows and vents), and shall be stored in a secured area or a locked metal cabinet, or
- d. If outdoor storage is not available, one-pound propane containers shall be stored above grade in a metal cabinet, in an area protected by a sprinkler system. Such a cabinet shall be installed away from sources of heat.

Storage of Propane Containers Other Than One-Pound Size

Generally, it is unlawful to store any LPG container (propane) with a capacity greater than 16.4 ounces (0.465 kg) LPG in any nonresidential building, residential occupancy, or on any lot containing a building used for residential occupancy. Storage of LPG is generally prohibited in below-grade areas such as basements and cellars. Roof storage of LPG containers is also prohibited. LPG containers as described, other than one-pound containers as authorized by above, must be stored in approved storage facilities meeting all of the following requirements:

1. All outdoor LPG (propane) storage facilities shall be:
 - (A) not more than 54 square feet in area;
 - (B) protected from vehicle impact;
 - (C) protected from theft, tampering or unauthorized use by a metal open fence enclosure at least six (6) feet in height, secured by a locked gate opening outward, or by a lockable ventilated metal locker of a type for which a certificate of approval has been issued by the Fire Department to the manufacturer of such locker. Such fence enclosure or locker shall be mounted on and secured to a substantial concrete pad at grade level, which pad shall be constructed to prevent accumulation of rain and snow;
 - (D) located in a well-ventilated area. There shall be a minimum clearance of ten (10) feet from any surrounding walls more than eight (8) feet high on at least three sides of the outdoor storage facility;
 - (E) directly accessible from the street. LPG containers being delivered to or taken from an outdoor storage location shall not be brought into or through any building or other structure; and
 - (F) provided with a portable fire extinguisher with at least a 10-B:C rating. Such portable fire extinguisher shall be located in a protective enclosure affixed to the outside of the storage facility or placed at another readily accessible location not more than 30 feet from the storage facility.
2. No outdoor storage facility shall be located within:
 - (A) ten (10) feet of the nearest lot line, sidewalk or building on an adjoining lot, except as follows:
 - (1) 50 feet of any building occupied as a multiple dwelling; and
 - (2) 100 feet of the lot line of any property occupied for educational, health care or religious purposes;
 - (B) ten (10) feet of any authorized parking for motor vehicles;
 - (C) ten (10) feet of any combustible material;
 - (D) 15 feet of any vent or fill line of any flammable liquid or combustible liquid storage tank; and
 - (E) 20 feet of any aboveground flammable liquid or combustible liquid storage tank.

Transporting Propane Containers

If restaurants do not have an approved outdoor storage area (as described in the Permit Section, Item 1 above), all propane containers must be removed from the premises at the close of business, unless they are one-pound containers that can be stored on site in accordance with the guidance above for Storage of One-Pound Propane Containers. Consistent with



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National Fire Prevention Association (NFPA) Standard 58 for LPG, an individual may transport up to 90 pounds of LPG. This means that up to four 20-pound containers or 89 one-pound containers may be transported in a personal vehicle, in a location other than the trunk, where they are visible to emergency responders. The containers must be upright and properly secured. Transportation of more than 90 pounds of LPG is allowed only in an authorized vehicle by a compressed gas vendor or other qualified transportation company.

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