



Propane-Fueled Space Heaters in Outdoor Dining Areas

INTRODUCTION



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 upon these hazards, its use is regulated by the Fire Department and is allowed for space heating only as specified in the Mayor's Emergency Executive Order 153 in response to the COVID-19 pandemic.

FDNY GUIDANCE

This document is designed to provide a brief overview for restaurant owners to become familiar with Fire Department requirements for the use of temporary outdoor heaters in outdoor dining areas as authorized by Mayor's Emergency Executive Order 153. Restaurant owners must fully comply with the **Fire Department's Guidance for Comfort Heating in Outdoor Dining Areas**, available for your review at <https://www1.nyc.gov/assets/fdny/downloads/pdf/business/guidance-comfort-heating-outdoor-dining.pdf>.

PROCESS

Question: When can I begin using propane-fueled space heaters?

Answer: The first step is to submit an "attestation" form and site plan(s) as described in the FDNY guidance.

You must submit a completed attestation, and a site plan for each outdoor dining area, to FDNYBusinessSupport@fdny.nyc.gov. You will promptly receive an email confirming the Fire Department's receipt of your correspondence. Then, within one business day, you will receive a second email confirming that the Fire Department received your attestation and site plan, and expressly authorizing you to begin using propane-fueled heaters for the comfort heating of customers in outdoor dining areas as described in the Fire Department's Guidance. Receipt of this second email allows you to begin using propane heaters right away, without having to wait until the Fire Department issues you the appropriate permits. (We recommend that you retain a copy of the second email because you may be asked to make it available to Fire Department personnel).

Question: After I submit the attestation and site plan, do I still need FDNY permit(s) and a Certificate of Fitness to use propane heaters?

Answer: Yes. The attestation will be treated as your application for the appropriate FDNY permits. You or your employee(s) must also obtain the T-93 Certificate of Fitness within three weeks of submitting your attestation.

T-93 Certificate of Fitness information: <https://www1.nyc.gov/site/fdny/business/all-certifications/cof-t93.page>.

Question: How do I submit the attestation and site plan?

Answer: Download and fill out the attestation form, draw and scan or take a photo of the site plan for all outdoor dining areas, and email all documents to FDNY.BusinessSupport@fdny.nyc.gov.

The attestation is available online:

<https://www1.nyc.gov/assets/fdny/downloads/pdf/business/attestation-fillable.pdf>. Remember to download the form to your desktop or mobile device before you complete it because it cannot currently be completed online. (The Fire Department is working to implement a fully online option).

The site plan instructions and a site plan example can be found on the following page.

Question: After submitting the attestation and site plan, what can I do and what can't I do?

Answer: You can use and handle 20-pound and one-pound propane containers and use propane heaters as authorized in the FDNY guidance. The number of propane heaters is limited to the number identified by you in your attestation. If you acquire new propane heaters, you must promptly notify the Fire Department at FDNYBusinessSupport@fdny.nyc.gov and provide the manufacturer and model number of each new heater.

You cannot store any propane container larger than one pound (even if it is empty), and you are not allowed to store more than 45 one-pound containers.

Question: What will the FDNY do after receiving my attestation and site plan?

Answer: The FDNY will review your site plan and schedule an inspection. If your use of propane heaters complies with the FDNY Guidance, including the Certificate of Fitness requirement, the applicable FDNY permits will be issued to you. If any of the requirements are not met, you must correct non-compliant conditions before the use of propane heaters can continue.

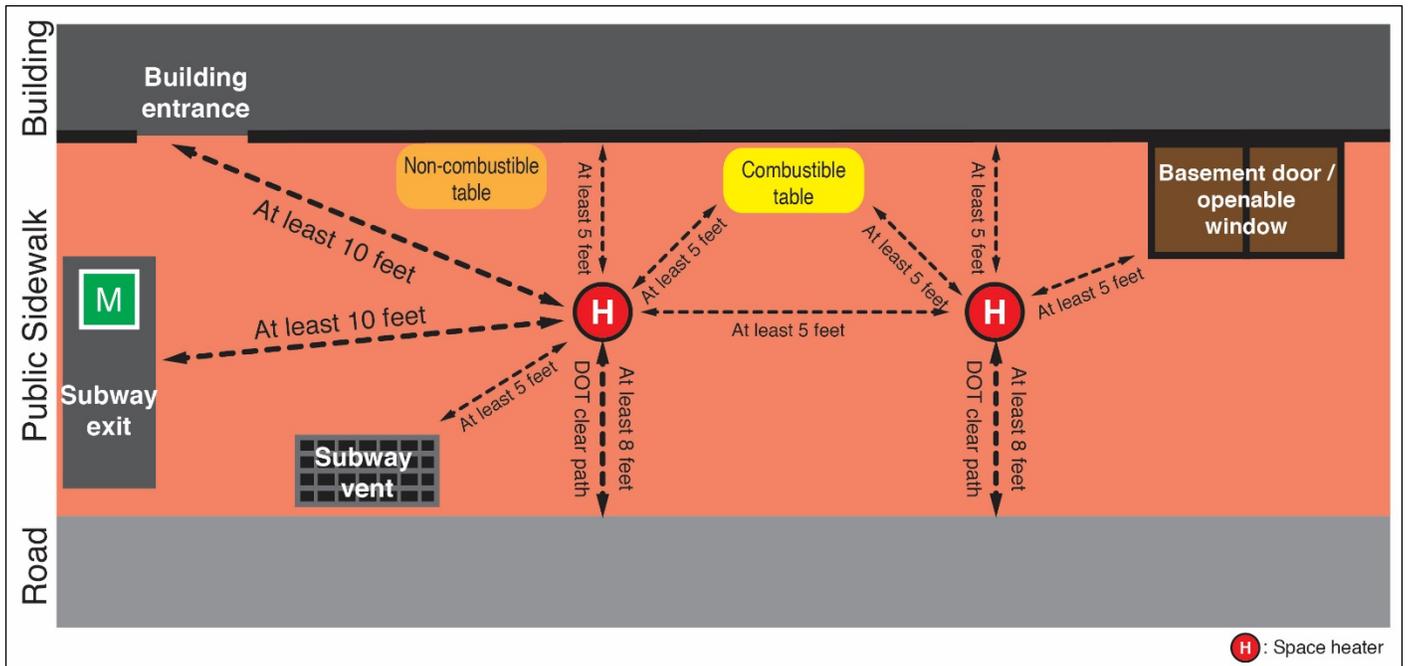
The FDNY permit(s), the certificate(s) of fitness, and a site plan for each outdoor dining area must be kept available at the premises for review upon request by an FDNY representative.

Question: What is the purpose of the site plan for each outdoor dining area?

Answer: The site plan demonstrates how your heaters are placed at minimum distances from other objects and structures as required for safety reasons in the FDNY Guidance. Minimum clearances are shown in this diagram:

LOCATION OF SPACE HEATERS

(minimum clearances requirements)



Note: Examples of combustible tables: wood/plastic tables; examples of non-combustible tables: metal tables.
 Note: Tabletop use of one-pound propane heaters is allowed, including on combustible tables, but only if designed for such use and recommended by the manufacturer.
 Note: The 8-foot clearance on sidewalk does not apply to private property.

Question: How do I prepare a site plan?

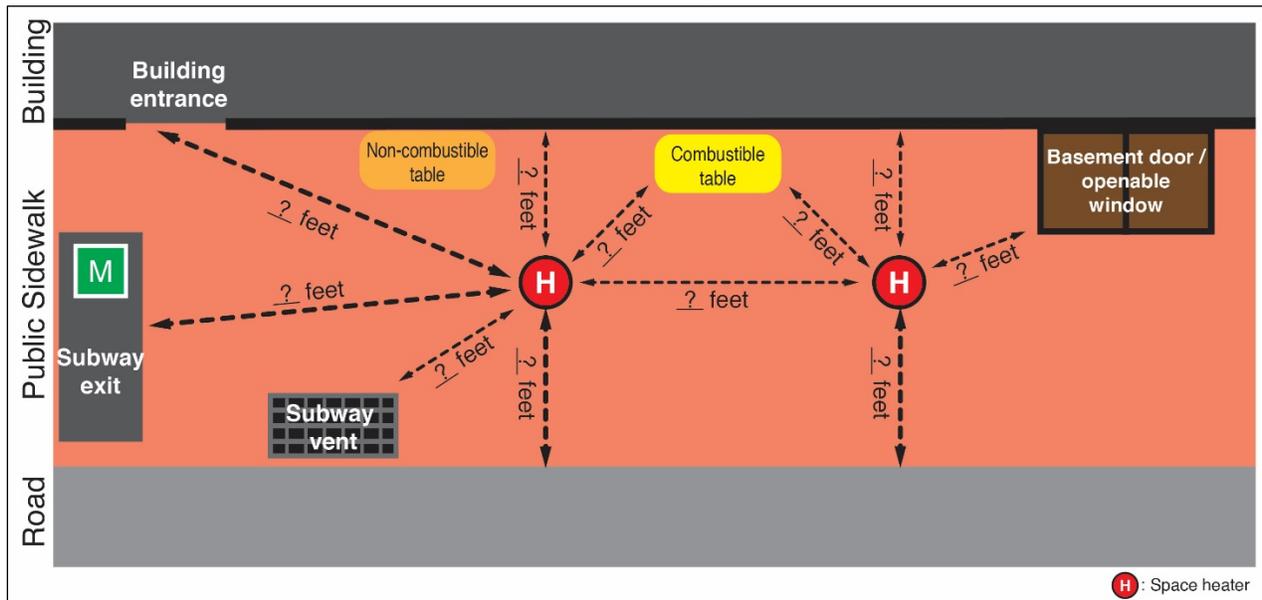
Answer: You can prepare your own site plan and it may be hand-drawn. You are not required to hire a qualified person to prepare your site plans.

SITE PLAN INSTRUCTION AND EXAMPLE

When you complete your attestation, you will be required to attach a site plan for each outdoor dining area, demonstrating the specific location(s) of propane-fueled heaters. In the site plan, you must include the location of all propane heaters and the following items if they are within 20 feet of any propane heater:

- Any building and/or structure
- Any below-grade building opening, including any door, openable window, or intake or exhaust vent
- Any building of wood frame construction
- Any building entrances
- Any subway entrance or exit, vent or other opening
- Any vent or fill line of any flammable liquid storage tank

Site Plan Example



Note: on your site plan, you must list the exact distances between the heaters and other structures, objects, and openings.

T-93 CERTIFICATE OF FITNESS

Question: When and how do I, or my employee, obtain the T-93 Certificate of Fitness (COF)?

Answer: Within three weeks of submitting the attestation, at least one restaurant employee must obtain a T-93 COF by passing an examination administered by the Fire Department.

You will have four ways to take this exam: online exam; in-person computer-based exam; group appointment exam; special field exam. More information and the T-93 study materials are available at:

<https://www1.nyc.gov/site/fdny/business/all-certifications/cof-t93.page>.

Question: If I, or my employee, have another related COF, could the T-93 COF be waived?

Answer: No, T-93 COF can't be waived by holding another COF, such as G-23, G-44 or G-93 COF.

Question: Why must at least one employee obtain the T-93 Certificate of Fitness?

Answer: A T-93 COF holder is responsible for ensuring proper and constant supervision of the heater and must be on the premises at all times while a propane container is connected to a heater. A COF holder is also responsible for the onsite supervision of connecting/disconnecting the propane containers from the heaters. Each restaurant should consider having several COF holders to ensure that a T-93 COF holder is always available.

SAFETY REQUIREMENTS THAT YOU MUST FOLLOW!



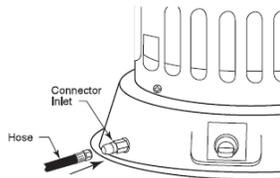
- Propane heaters must be listed by a nationally recognized testing laboratory.

- No-smoking signs must be posted, and no smoking must be strictly enforced.

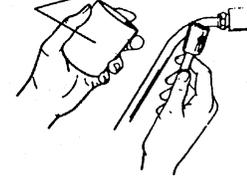


- The outdoor dining areas must be kept neat. No rubbish and other combustible waste must be allowed to accumulate.

- At least one 2-A:10-B:C fire extinguisher must be provided for each 2,500 square feet of outdoor dining area.



Soap and Water Solution



- Only one 20-pound propane container per heating device is allowed at the premises.
- The maximum size of propane containers allowed for space heaters is 20-pounds each.
- Heaters must not be moved while in use.

- Propane containers must be disconnected from heaters daily at the close of business.
- Propane must not be connected to or disconnected from the heaters while customers are present.

- After connecting the propane container to the heater, all connections must be checked for leaks.

PROHIBITIONS



- Heaters must not be used under a tent or other membrane structure without FDNY approval. At all times, propane containers must be a minimum of 10 feet from tents and other membrane structures.
- Heaters must be at least five feet from wooden benches.
- Heaters are not allowed on roadways, even if the roadway is closed to vehicle traffic.

- Propane containers must not be stored/used in any below grade area (for example, basements or cellars).

Question: If I don't have an FDNY permit to store 20-pound propane containers, what should I do if I need to have spare propane containers?

Answer: Use one-pound propane space heaters. You can store up to 45 one-pound propane containers without an FDNY permit.



Safety requirements for storing 1-pound propane containers:

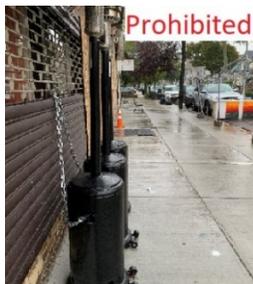
- Outdoor storage:
 - **Never on sidewalks or roadways.**
 - At least 10 feet from any heat source and from any building openings (e.g. doors, windows and vents).
 - In a secured area or a locked metal cabinet.
- Indoor storage:
 - **Never in any below grade area** (e.g. basements and cellars).
 - In a metal cabinet.
 - In an area protected by a sprinkler system.
 - Away from any heat source.
- Must post a sign indicating "No Smoking" and "LPG storage".

Question: What else must I know if I use 20-pound propane space heaters and I don't have the FDNY permit to store the 20-pound container?

Answer:

- No 20-pound container can be used, stored, or brought into a building for any reason.
- 20-pound containers must be removed from the restaurant premises at the close of business.
- No storage of 20-pound propane containers is allowed anywhere, including outdoors, except at an FDNY-approved storage facility. Apply at:

<https://www1.nyc.gov/assets/fdny/downloads/pdf/business/tm-1-application-for-plan-examination-doc-review.pdf>



- At the end of business, propane must not be connected to the heater and must not be stored on sidewalk.



- Propane must not be transported in a concealed car trunk.



- Propane must be transported in a location that is visible to emergency responders.
- A car trunk with windows is ok if the containers are clearly visible.
- Personal vehicles cannot transport more than 90 pounds of propane.

Question: What if I don't comply with the regulations?

Answer: If Fire Department inspectors observe noncompliant conditions, restaurant owners may be ordered to remove the propane containers and the heaters.

OTHER QUESTIONS?

Questions about Fire Code requirements or information regarding other available option (such as [electric heaters](#) or [portable heaters fueled by piped natural gas](#)) may be answered by calling 311; visiting <https://www1.nyc.gov/site/fdny/business/support/restaurant-help.page>; or emailing the FDNY at FDNY.BusinessSupport@fdny.nyc.gov