

105.4.7 Retention of design and installation documents. One set of design and installation documents shall be retained by the commissioner. One set of approved design and installation documents shall be returned to the applicant, and shall be kept on the site of the building or structure or at the work site at all times and readily available for inspection by any representative of the department until the required permit is posted on the premises as required by FC105.3.5, or where no permit is required, until the work performed under such approved design and installation documents has been inspected and approved by the department.

105.5 Revocation. The commissioner may revoke a permit issued under the provisions of this code when:

1. the permit is used for a location or establishment other than that for which it was issued.
2. the permit is used for a purpose or operation other than that listed in the permit.
3. conditions and limitations set forth in the permit have been violated.
4. there has been a false statement or misrepresentation material to the issuance of the permit.
5. the party engaging in the manufacture, storage, handling, use, sale or transportation of hazardous materials or combustible materials, or conducting an operation or maintaining a facility is different from the party to whom the permit was issued.
6. the permit holder fails, refuses or neglects to timely comply with the commissioner's orders or notices of violation duly served in accordance with this code, or other law, rule or regulation enforced by the department.
7. the permit was issued in error or in violation of this code or other applicable law, rule or regulation.
8. circumstances or conditions material to the issuance of the permit applied for have changed.
9. other good cause exists.

105.6 Required permits. The commissioner shall issue the following permits for the manufacture, storage, handling, use, transportation and sale of the following materials, the conduct of the following operations, and the design, installation, operation and maintenance of the following facilities in accordance with this code and the construction codes, including the Building Code:

Aerosol products. A permit is required to store, handle or use an aggregate quantity of Level 1, 2 or 3 aerosol products in excess of 100 pounds (45.4 kg) net weight.

Amusement buildings. A permit is required to maintain or operate a special amusement building.

Asphalt melter. A permit is required to store, handle or use an asphalt melter.

Aviation operations. A permit is required for the following aviation operations:

1. To operate or maintain an aircraft-fueling vehicle.
2. To operate or maintain an aircraft-fueling system.
3. To conduct a helicopter landing at other than an approved heliport, helistop or airport.
4. To conduct a helicopter lift operation.
5. To conduct a hot air balloon operation.

Cellulose nitrate film. A permit is required to store, handle or use cellulose nitrate film in the following quantities:

1. Any quantity in a Group A occupancy.
2. Quantities of 10 pounds (4.54 kg) or more in other than a Group A occupancy.

Coke-fueled salamanders. A permit is required to store, handle or use coke-fueled salamanders at a construction site.

Combustible dust-producing operations. A permit is required to maintain or operate a grain elevator, flour starch mill, feed mill, or a plant pulverizing aluminum, coal, cocoa, magnesium, spices or sugar, or other operations producing combustible dusts as defined in FC Chapter 2.

Combustible fibers. A permit is required to store or handle combustible fibers in quantities exceeding 100 cubic feet (2.8 m³).

Exception: A permit is not required for agricultural storage.

Combustible liquids. See “Flammable and combustible liquids.”

Combustible material storage. A permit is required to store in any building, structure, premises or facility more than 2,000 cubic feet (56.6 m³) gross volume of combustible empty packing cases, boxes, barrels or similar containers, rubber (excluding tires), cork or similar combustible material, including combustible waste, or more than 1,000 pounds (454 kg) of flammable plastic foam products, regardless of volume.

Exceptions:

1. A permit is not required for such storage in buildings or structures protected throughout by a sprinkler system.

2. A permit is not required if the storage is kept exclusively in a dedicated area of a building or structure which is protected throughout by a sprinkler system and separated from the rest of the building or structure by 2-hour fire-resistance-rated construction.

Commercial cooking systems. A permit is required to maintain or operate a commercial cooking system.

Compressed gases. A permit is required to store, handle or use compressed gases in quantities exceeding those set forth in FC Table 105.6(1).

Exceptions: A permit is not required for the:

1. storage and use of compressed gases in the fuel tank of a motor vehicle, aircraft, marine vessel or watercraft for motive power.
2. handling and use of medical-grade gaseous oxygen by trained and knowledgeable medical personnel engaged in providing licensed health care at patient locations citywide, outside of health care facilities, on a citywide response basis. This exception does not apply to any premises at which such gaseous oxygen is being stored.
3. handling of medical-grade gaseous oxygen by trained and knowledgeable medical personnel at any premises at which such oxygen is stored for use in the provision of licensed health care at patient locations citywide, outside of health care facilities, on a citywide response basis, but which is not used at such premises. This exception includes making connections for purposes of ascertaining the contents of the container and attaching ancillary equipment, but does not include filling, refilling or hydrostatic testing of the container.

**FC TABLE 105.6(1)
PERMIT QUANTITIES FOR COMPRESSED GASES**

TYPE OF GAS	QUANTITY (SCF)
Corrosive	400
Flammable	400
Highly toxic	Any Quantity
Nonflammable and nonoxidizing, except carbon dioxide	3,000
Carbon dioxide	4,500
Oxidizing	504
Pyrophoric	Any Quantity
Toxic	Any Quantity
Unstable (reactive)	Any Quantity
Water reactive	Any Quantity

For SI: 1 cubic foot = 0.02832 m³.

Compressing gases. A permit is required to compress:

1. a flammable gas, including piped natural gas, to a pressure exceeding 6 psig (41.4 Kpa).
2. a nonflammable, corrosive or oxidizing gas, including air, to a pressure exceeding 100 psig (689.5 Kpa).

Exception: Outdoor air compressing at other than a fair or festival.

Cryogenic fluids. A permit is required to manufacture, store, handle or use, including dispensing, cryogenic fluids in quantities exceeding those set forth in FC Table 105.6(2).

Exceptions: A permit is not required for the:

1. storage and use of cryogenic fluids in the fuel tank of a motor vehicle, aircraft, marine vessel or watercraft for motive power or for refrigerating the cargo.
2. storage, handling or use of liquid oxygen home care containers and liquid oxygen ambulatory containers in compliance with the requirements of FC4006 in residential dwelling units and residential health care dwelling units and sleeping rooms in Group I-1, I-4 and R occupancies.
3. handling and use of medical-grade liquid oxygen by trained and knowledgeable medical personnel engaged in providing licensed health care at patient locations citywide, outside of health care facilities, on a citywide response basis. This exception does not apply to any premises at which such liquid oxygen is being stored.
4. handling of medical-grade liquid oxygen at any premises at which such oxygen is stored by trained and knowledgeable medical personnel for use in the provision of licensed health care at patient locations citywide, outside of health care facilities, on a citywide response basis, but which is not used at such premises. This exception includes making connections for purposes of ascertaining the contents of the container and attaching ancillary equipment, but does not include filling, refilling or hydrostatic testing of the container.

**FC TABLE 105.6(2)
PERMIT QUANTITIES FOR CRYOGENIC FLUIDS**

TYPE OF CRYOGENIC FLUID	INDOORS (gallons)	OUTDOORS (gallons)
Flammable	More than 1	10
Nonflammable	60	100
Oxidizing (includes oxygen)	10	50
Physical or health hazard not indicated above	Any Quantity	Any Quantity

For SI: 1 gallon = 3.785 L.

Dry cleaning facilities. A permit is required to maintain or operate dry cleaning equipment that utilizes a Class II or Class III solvent.

Explosives. A permit is required to store, handle, use or sell explosives as follows:

1. Store, sell or offer for sale any quantity of black powder and smokeless powder.
2. Store, sell or offer for sale any quantity of blasting caps.
3. Store, sell or offer for sale two hundred or more shells of small arms ammunition.
4. Store, handle, use, sell or offer for sale any quantity of explosives, other than those specified in Items 1, 2 and 3 above.

Fire department in-building auxiliary radio communication systems. A permit is required to maintain or operate a fire department in-building auxiliary radio communication system.

Fireworks. A permit is required for each display or other event involving the handling, discharge or other use, or storage for use, of fireworks.

Flammable and combustible liquids. A permit is required:

1. to store, handle or use Class I liquids, other than paints, varnishes, lacquers, gasoline and other petroleum-based Class I liquids, in quantities exceeding 5 gallons (19 L), except that a permit is not required for the storage or use of such liquids in the fuel tank of a motor vehicle, aircraft, marine vessel, or watercraft.
2. to store, handle or use amounts of gasoline and other petroleum-based Class I liquids other than paints, varnishes and lacquers, in quantities exceeding 2½ gallons (9.5 L), except that a permit is not required for the storage or use of such liquids in the fuel tank of a motor vehicle, aircraft, marine vessel, or watercraft.
3. to store, handle or use Class II or Class III liquids with a flash point of 300°F (149°C) or less, other than paints, varnishes and lacquers, in quantities exceeding 10 gallons (38 L), except that a permit is not required for the:
 - 3.1. storage or use of such liquids in the fuel tank of a motor vehicle, aircraft, marine vessel, or watercraft.
 - 3.2. storage of fuel oil in stationary storage tanks in Group R-3 occupancies for use in stationary fuel oil burning equipment.
4. to store, handle or use Class I, Class II or Class III liquids having a flash point of 300°F (149°C) or less that are commonly used for painting, varnishing, staining or

other similar purposes, including paint, varnish and lacquer, in quantities exceeding 20 gallons (76 L).

5. to store, handle or use petroleum-based Class III liquids with a flash point exceeding 300°F (149°C), in quantities exceeding 70 gallons (266L), except that a permit is not required for the storage and use of such liquids in the fuel tank of a motor vehicle, aircraft, marine vessel or watercraft for motive power.
6. to operate a bulk plant or terminal or bulk transfer facility where flammable and combustible liquids are blended, produced, processed, transported, stored, dispensed or used.
7. to manufacture flammable or combustible liquids.
8. to store and/or use fuel oil stored on a barge, marine vessel or watercraft moored to or anchored at privately owned waterfront property.
9. to store and use fuel oil in quantities exceeding 10 gallons (38 L) on mobile heating and power generating trailers.

Floor finishing. A permit is required to conduct floor finishing or surfacing operations over an area exceeding 350 square feet (33 m²) using Class I or Class II liquids.

Fruit and crop ripening. A permit is required to maintain or operate a fruit-, or crop-ripening facility or conduct a fruit-ripening process using ethylene gas.

Fumigation and insecticidal fogging. A permit is required to maintain or operate a facility in which a fumigant or insecticidal fogger is used in a stationary installation.

Hazardous materials. A permit is required to store, handle or use hazardous materials in quantities exceeding those set forth in FC Table 105.6(3).

**FC TABLE 105.6(3)
PERMIT QUANTITIES FOR HAZARDOUS MATERIALS**

TYPE OF MATERIAL	QUANTITY
Combustible liquids	See FC105.6 for flammable and combustible liquids
Corrosive materials	
Gases	See FC Table 105.6(1)
Liquids	55 gallons
Solids	1000 pounds
Explosive materials	See FC105.6 for explosive materials
Flammable materials	
Gases	See FC Table 105.6(1)
Liquids	See FC105.6 for flammable and combustible liquids
Solids	See FC Table 105.6(4)

Highly toxic materials Gases Liquids Solids	See FC Table 105.6(1) Any quantity Any quantity
Oxidizing materials Gases Liquids Class 4 Class 3 Class 2 Class 1 Solids Class 4 Class 3 Class 2 Class 1	See FC Table 105.6(1) Any quantity 1 gallon 10 gallons 55 gallons Any quantity 10 pounds 100 pounds 500 pounds
Organic peroxides Liquids Class I Class II Class III Class IV Class V Solids Class I Class II Class III Class IV Class V	 Any quantity Any quantity 1 gallon 2 gallons No Permit Required Any quantity Any quantity 10 pounds 20 pounds No Permit Required
Pyrophoric materials Gases Liquids Solids	See FC Table 105.6(1) Any quantity Any quantity
Toxic materials Gases Liquids Solids	See FC Table 105.6(1) 10 gallons 100 pounds
Unstable (reactive) materials Gases Liquids Class 4 Class 3 Class 2 Class 1 Solids Class 4 Class 3	See FC Table 105.6(1) Any quantity Any quantity 5 gallons 10 gallons Any quantity Any quantity

Class 2	50 pounds
Class 1	100 pounds
Water-reactive Materials	
Gases	See FC Table 105.6(1)
Liquids	
Class 3	Any quantity
Class 2	5 gallons
Class 1	55 gallons
Solids	
Class 3	Any quantity
Class 2	50 pounds
Class 1	500 pounds

For SI: 1 gallon = 3.785 L, 1 pound = 0.454 kg.

**FC TABLE 105.6(4)
PERMIT QUANTITIES FOR FLAMMABLE SOLIDS**

FORMS OF FLAMMABLE SOLID	INDOORS (pounds)	OUTDOORS (pounds)
Pigs, ingots, billets, heavy castings	100	1,000
Light castings, light metallic products	100	125
Scraps, shavings, powders, dusts	1	100
Other flammable solids	1	100

For SI: 1 pound = 0.454 kg.

Hazardous production material (HPM) facilities. A permit is required to store, handle or use hazardous production materials.

High-piled storage. A permit is required to use an area exceeding 500 square feet (46 m²) in a building or structure or part thereof as a high-piled storage area.

Hot work operations. A permit is required to conduct hot work using oxygen and a flammable gas.

Industrial furnaces. A permit is required to maintain or operate an industrial furnace regulated by FC Chapter 21.

Liquefied petroleum gas (LPG). A permit is required to store, handle or use LPG in quantities exceeding those set forth in FC Table 105.6(1).

Exceptions: A permit is not required for:

1. stationary LPG installations in Group R-3 occupancies.

2. the storage and use of LPG in the fuel tank of a motor vehicle, aircraft, marine vessel or watercraft for motive power.

Lumber yards. A permit is required to store lumber exceeding 100,000 board feet (8,333 ft³) (236 m³).

Methane recovery. A permit is required for the recovery of methane from landfills and related processing.

Motor fuel-dispensing facilities. A permit is required to maintain or operate the following types of motor fuel-dispensing facilities:

1. Fleet motor fuel-dispensing facilities.
2. Full-service motor fuel-dispensing facilities.
3. Self-service motor fuel-dispensing facilities.

Natural gas liquefaction facility. A permit is required to maintain or operate a natural gas liquefaction facility.

Non-production chemical laboratory units. A permit is required to store, handle or use hazardous materials in a laboratory unit in quantities exceeding 1 gallon (3.8 L) of flammable liquid, 1 gallon (3.8 L) of combustible liquid or 75 SCF (2.12 m³) of flammable gas.

Open flames. A permit is required to use open flames:

1. in any public assembly occupancy.
2. in any other place of public gathering.
3. in a covered mall building.

Organic coatings. A permit is required to conduct an organic-coating manufacturing operation producing more than 1 gallon (4 L) of an organic coating in one day.

Places of assembly. A permit is required to maintain or operate a place of assembly. The term of such permit shall be for a period not to exceed 1 year.

Portable fueled space heaters. A permit is required to store, handle or use portable fueled space heaters that are fueled:

1. by a combustible liquid.
2. by compressed natural gas (CNG).
3. by liquefied petroleum gas (LPG).

4. by piped natural gas, except in Group R-3 occupancies.

Pyrotechnic material. A permit is required to store, handle or sell, including storage for sale, any quantity of pyrotechnic materials, articles and devices, other than pyrotechnic materials, articles and devices used solely for a purpose other than to create a special effect.

Pyroxylin plastics. A permit is required to store, handle and/or use pyroxylin plastics as follows:

1. To store, handle and/or use raw pyroxylin plastic in quantities exceeding 25 pounds (11 kg).
2. To use any quantity of raw pyroxylin plastic for the assembly or manufacture of articles.

Refrigerating system. A permit is required to maintain or operate a 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.

Exceptions:

1. 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.
2. A refrigerating system installed in the residence portion of any building, installed in motor vehicles, aircraft, marine vessels, watercraft or tank cars, or employing water or air as a refrigerant.

Repair garages. A permit is required to maintain or operate a repair garage.

Special effects. A permit is required for:

1. the discharge or other use for any purpose of any material, article or device of an explosive, flammable or combustible nature used to create a special effect, including fireworks meeting the definition of fireworks, 1.4G, and pyrotechnic materials, articles or devices.
2. the storage for use in a special effects display or other event of any material, article or device of an explosive, flammable or combustible nature, including fireworks meeting the definition of fireworks, 1.4G, and pyrotechnic materials, articles or devices.

Spraying or dipping. A permit is required to conduct a spraying or dipping operation utilizing flammable or combustible liquids or the application of powder coatings regulated by FC Chapter 15.

Sulfur. A permit is required to store, handle or use sulfur in quantities exceeding 200 pounds (90.8 kg).

Tar kettles. A permit is required to store, handle or use a tar kettle.

Tire-rebuilding plants. A permit is required to maintain or operate a tire-rebuilding plant.

Tires, scrap tires and tire byproducts. A permit is required to store tires, scrap tires and tire byproducts, except tires mounted on vehicles, in quantities exceeding:

1. twenty-five hundred cubic feet (71 m³) of total volume of scrap tires or one thousand tires, whichever is less, either outdoors, or in buildings of noncombustible construction that are protected throughout by a sprinkler system.
2. two hundred fifty cubic feet (7.1 m³) of total volume of scrap tires or one hundred tires, whichever is less, in buildings of combustible construction, or in buildings of noncombustible construction that are not protected throughout by a sprinkler system.

Transportation of hazardous materials. A permit is required to transport hazardous materials in or on a:

1. marine vessel or watercraft transporting upon the navigable waters within the city, any quantity of explosives for delivery at a wharf, pier, bulkhead, or other structure over or contiguous to such navigable waters, or to a marine vessel or watercraft lying thereto, in excess of the quantity required for the vessel or craft's own use.
2. motor vehicle transporting a flammable liquid in a quantity exceeding 1,000 pounds (454 kg) aggregate gross weight, except vehicles transporting paint products prominently labeled as such in accordance with applicable laws, rules and regulations.
3. motor vehicle transporting a combustible liquid in a quantity exceeding 1,000 pounds (454 kg) aggregate gross weight, except vehicles transporting paint products prominently labeled as such in accordance with applicable laws, rules and regulations.
4. motor vehicle transporting a compressed gas in any quantity exceeding the limits set forth in FC Table 105.6(1) or 105.6(2).
5. motor vehicle transporting any quantity of explosives, except small arms ammunition.

Exceptions: A permit is not required for:

1. the transportation of hazardous materials for transshipment when transported in a motor vehicle operated in compliance with the route and time requirements of FC2707.11 and the rules.
2. the storage and use of hazardous materials in the fuel tank of a motor vehicle, marine vessel or watercraft for motive power.

3. hazardous materials on motor vehicles, marine vessels or watercraft used for refrigerating the cargo.
4. the transportation by motor vehicle of medical-grade gaseous or liquid oxygen by trained and knowledgeable medical personnel engaged in providing licensed health care at patient locations citywide, outside of health care facilities, on a citywide response basis.

SECTION FC 106 INSPECTIONS

106.1 Inspection authority. The commissioner may enter and examine any building, structure, facility, premises, marine vessel, watercraft or vehicle in accordance with FC104.3, including any such place, boat or vehicle that has been issued a permit or other approval, for the purpose of enforcing this code or any other law, rule or regulation enforced by the commissioner.

106.2 Reserved.

106.3 Concealed work. Whenever any installation subject to inspection, testing and/or approval in accordance with this code, the construction codes or any other law, rule or regulation prior to use is covered or concealed without having first been inspected, tested and/or approved, the commissioner may require that such work be exposed for inspection.

106.4 Sharing results of inspections. The commissioner, in coordination with the Commissioner of Buildings and the Commissioner of Environmental Protection, shall establish a procedure to share information regarding violations in accordance with Section 28-103.7.1 of the New York City Administrative Code.

SECTION FC 107 MAINTENANCE

107.1 Maintenance required. Whenever any device, equipment, system, operation, installation or facility regulated by this code or the rules is installed or established, including any condition or ancillary equipment necessary for its proper operation, whether or not required for compliance with the requirements of this code or the rules, such device, equipment, system, operation, installation or facility shall thereafter be continuously maintained in good working order, in accordance with this code, the rules, the construction codes and the manufacturer's instructions.

107.2 Testing and operation. Devices, equipment and systems requiring periodic inspection, testing or operation to ensure maintenance shall be inspected, tested or operated as set forth in this code and the rules.

107.2.1 Test and inspection records. Required test and inspection records shall be available at all times for inspection by any representative of the department or such records as the commissioner designates shall be filed with the department.