CHAPTER 1
ADMINISTRATION

SECTION FC 101
GENERAL

101.1 Title. This code, including any appendices hereto, shall be known as the New York City Fire Code, hereinafter referred to as "this code" or "the code." All section numbers in this code shall be deemed to be preceded by the designation "FC."

101.2 Scope. This code governs:

1. The manufacturing, storage, handling, use, sale and transportation of hazardous materials and combustible materials, except for the installation of storage tanks and auxiliary storage tanks for oil-burning equipment.

2. The design, installation, operation and maintenance of devices, equipment and systems designed to prevent, mitigate, control and extinguish fire, explosions or other life safety hazards.

3. Emergency preparedness and planning, including procedures to provide information, guidance, direction and assistance to protect occupants of buildings, structures and premises in the event of fire or non-fire emergency, or the threat thereof.

4. The prevention, mitigation and control of hazards to firefighters and emergency responders during emergency operations.

5. The operation and maintenance of any manual, automatic or other fire alarm or fire extinguishing device, equipment or system.

101.3 Intent. The purpose of this code is to establish reasonable minimum requirements and standards for life safety and property protection, to accomplish the purposes set forth in FC 101.2.

101.4 Severability. If a section, subsection, sentence, clause or phrase of this code is adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the section, subsection, sentence, clause or phrase thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION FC 102
APPLICABILITY

102.1 Design and installation provisions. The design and installation provisions of this code shall apply to:

1. Facilities established and conditions arising on or after the effective date of this code.

2. Facilities and conditions not lawfully existing prior to the effective date of this code.

3. Facilities and conditions lawfully existing prior to the effective date of this code, except as otherwise provided in FC 102.3, 102.4 and 102.5.

102.2 Operational and maintenance provisions. The operational and maintenance provisions of this code, including permit and certification requirements, shall apply to all facilities, operations, conditions, uses and occupancies, regardless of when they were established or arose.

102.2.1 Existing permits and certificates continued. Permits and certificates for facilities, operations, conditions, uses and occupancies issued pursuant to the New York City Fire Prevention Code and in effect on the effective date of this code shall remain in effect until they expire unless sooner revoked or suspended in accordance with this code. Renewal of such permits and certificates shall be in accordance with the provisions of this code.

102.2.2 New permits and certificates. Whenever this code is amended or a rule is promulgated to require a permit or certificate for a facility, operation, condition, use or occupancy, and no permit or certificate was previously required therefor pursuant to this code or the rules, such facility, operation, condition, use or occupancy may be continued without such permit or certificate for a period of 1 year from the effective date of such amendment or rule, except as may otherwise be provided by such amendment or rule.

102.3 Lawfully existing conditions as of June 30, 2008. Except as otherwise provided in FC 102.5, the following conditions, which were lawfully existing on June 30, 2008, but which would not be allowed or approved under the fire code enacted effective as of July 1, 2008, may be continued in compliance with the requirements of the New York City Fire Prevention Code and other laws, rules, regulations and permit conditions that existed when such conditions were lawfully allowed or approved and as such requirements may be amended from time to time:

1. The facilities that may be maintained on a premises, and the design and installation of such facilities;

2. The materials that may be manufactured, stored, handled or used in or on a premises, and the conditions of such manufacturing, storage, handling and/or use; and

3. The operations that may be conducted and/or the conditions under which such operation may be conducted.

102.4 Lawfully existing conditions as of the date of fire code amendments. Except as otherwise provided in FC 102.5, the following conditions lawfully arising on or after July 1, 2008, and lawfully existing on the effective date of an amendment to this code, which would not be allowed or approved under such amendment, may be continued in compliance with the provisions of this code existing prior to such amendment, and other applicable laws, rules and regulations, and the terms and conditions of any permits and other approvals, applicable at the time such facility was lawfully allowed or approved, and as such provisions may be amended from time to time:

1. The facilities that may be maintained on a premises, and the design and installation of such facilities;

2. The materials that may be manufactured, stored, handled or used in or on premises, and the conditions of such manufacturing, storage, handling and/or use; and

3. The operations that may be conducted and/or the conditions under which such operation may be conducted.

102.5 Fire code compliance of lawfully existing conditions. A lawfully existing condition, as set forth in FC 102.3 and 102.4, shall, notwithstanding the provisions of such sections, comply with the requirements of this code under the following circumstances:

1. When specifically required by this code.

2. When the commissioner determines such facility or condition constitutes a life safety hazard.

3. When the part of the building, structure, facility or premises in which the lawfully existing condition exists undergoes a change in use or occupancy.

4. When the part of the building, structure, facility or premises in which the lawfully existing condition exists undergoes alteration, whether made voluntarily, or as a result of damage, deterioration or other cause.

102.6 Relationship with other applicable codes, standards and rules.

102.6.1 Referenced codes. Any codes or other provisions of law referenced in this code, including those referenced in FC Chapter 80, shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences or inconsistencies arise between the provisions of this code and any other code or provision of law referenced in this code, the more restrictive provision shall govern.

102.6.1.1 Construction codes and Electrical Code references. References in this code to the construction codes or the Electrical Code shall not be deemed to be a grant of authority to the commissioner to enforce such codes, provided, however, that the department may require proof of compliance with the requirements of such codes in connection with permit issuance, plan approval or other department approval or authorization.

102.6.2 Appendices and referenced standards. Any appendix to this code and any referenced standard in FC Chapter 80 shall be considered part of the requirements of this code to the prescribed extent of each such reference. The provisions of any appendix or referenced standard may be amended by the commissioner pursuant to the rule making process set forth in the charter. Where differences or inconsistencies arise between the referenced standards, the provisions of this code or any rules promulgated thereunder, the provisions of this code or such rules shall govern.

102.6.3 Rules. The commissioner may promulgate rules in accordance with the charter and this code.

102.7 Subjects not regulated by this code. Where no applicable fire safety or other safety standards or requirements are set forth in this code, or applicable laws, codes, rules or regulations enforced by the commissioner, facilities, operations and conditions in a building, structure, facility or other premises shall comply with nationally recognized fire safety or other safety standards of the particular industry, as approved. Nothing herein shall derogate from the authority of the commissioner to determine compliance with the requirements of the codes, standards, or rules for those facilities, operations and conditions within such buildings, structures, facilities or other premises within the commissioner's jurisdiction or responsibility.

102.8 Matters not adequately provided for in this code. Requirements that are essential for fire safety in an existing or proposed building, structure, or premises, or in connection with the regulation of any material, operation or facility, which are not specifically provided for by this code may be established by the commissioner.

102.9 Internal references and inconsistent provisions. Where one chapter, section or other provision of this code requires compliance with or otherwise references another chapter, section or other provision of this code, such reference shall be construed in a manner that harmonizes the various provisions and furthers the purpose of this code. Where British and metric units of measurement conflict, the British units shall govern.

SECTION FC 103
RESERVED

SECTION FC 104
DUTIES AND POWERS OF COMMISSIONER

104.1 Enforcement. The commissioner shall be responsible for the administration, interpretation and enforcement of this code. The commissioner may adopt policies, procedures, rules and regulations in order to clarify or implement the application of its provisions. Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent and purpose of this code and shall, except in those instances in which a modification has been granted, not have the effect of waiving requirements specifically provided for in this code.

104.1.1 Asbestos abatement activity. Notwithstanding any other provision of law, the commissioner may designate officers and employees of the Department of Environmental Protection to issue notices of violation, violation orders and Criminal Court process at premises in which asbestos abatement activity is taking place, for violations of this code and other laws, rules and regulations enforced by the department.

104.1.2 Review of design and installation. The commissioner may authorize the Department of Buildings to review construction documents filed with that agency for compliance with the design and installation requirements of this code for stationary energy storage systems, fire apparatus access roads, rooftop access and obstructions, and such other design and installation requirements as the commissioner, in consultation with the Commissioner of Buildings, may

determine facilitates the design and construction process. The manner and scope of such review and the standards to be applied thereto shall be established by the commissioner in consultation with the Commissioner of Buildings, consistent with FC 104.2.1.

104.2 Applications and approvals. The department shall receive, review and, if satisfactory, approve, applications for permits, certificates and other approvals, and design and installation documents required to be submitted to the department by this code or the construction codes, issue permits, inspect buildings, structures, facilities, premises, marine vessels, watercraft and motor vehicles for the purpose of enforcing compliance with the requirements of this code, and otherwise administer, implement and enforce the provisions of this code.

104.2.1 Acceptance of professional certification. The department shall not accept professional certification of compliance with the requirements of this code and the rules in lieu of required department inspections, witnessing of tests, or approval of design and installation documents, except as otherwise provided in this section. The department may accept professional certification of compliance with the construction codes, this code and the rules with respect to fire alarm system devices or equipment that are not part of the building core, in accordance with the following requirements:

1. For purposes of this section, "professional certification" or "professionally certified" means the submission to the department of a signed, personal verification by a person holding a certificate of fitness for professional certification of fire alarm and emergency alarm installations and testing who is a registered design professional, master electrician, special electrician, or fire alarm system installer with NICET-Level III certification licensed by or registered with the State of New York, that accompanies an application and/or design and installation documents filed with the department that attests that such application or design and installation documents do not contain any false information and that such application or design and installation documents are in compliance with all applicable laws, rules and regulations.

2. The department shall adopt a written policy setting forth procedures by which professionally certified fire alarm system devices or equipment will be audited by the department to ensure the accuracy of such professional certifications.

3. The department may adopt rules setting forth the penalty for submission of false or fraudulent documents certifying compliance with the requirements of this code and the rules**.** Penalties may include disqualification from submission of professionally certified applications.

4. Nothing contained herein shall be deemed to prohibit the submission of design and installation documents for department review and approval in lieu of professional certification.

104.3 Right of entry. The commissioner and his or her authorized representatives, in the discharge of their duties, shall have the right to enter upon and inspect, at all reasonable times, any building, structure, facility, premises, marine vessel, watercraft, vehicle or any part thereof, for the purpose of determining compliance with the requirements this code and other applicable laws, rules and

regulations enforced by the department. If access is not obtained, the commissioner shall have recourse to remedies provided by law to secure entry.

104.4 Identification. When entering property pursuant to FC 104.3, officers and employees of the department shall identify themselves by exhibiting the badge or other official identification of the department; and other authorized representatives of the commissioner shall identify themselves by producing and exhibiting their authority in writing signed by the commissioner.

104.5 Notices and orders. Notices, orders and violations may be issued by or in the name of the commissioner in accordance with Title 15 of the New York City Administrative Code to enforce the provisions of this code or the rules.

104.5.1 Seizure of contraband material. The commissioner may order the seizure, destruction or other arrangement for disposal thereof of any device, equipment or other article, the manufacture, storage, handling, use, transportation or sale of which is prohibited by this code or the rules, or which is manufactured, stored, handled, used, transported or sold in violation thereof.

104.6 Official records. The department shall keep official records of applications received, approvals, inspections, administrative decisions, permits and certificates issued, modifications approved, fees collected, and notices, orders and violations, and such other records as the commissioner may prescribe. Such official records shall be retained for the period required for retention of public records.

104.7 Approved devices and equipment. All devices, equipment or other articles approved by the commissioner shall be designed, constructed, installed and used in accordance with such approval. Devices, equipment and other articles required by the provisions of this code to be of a type for which a certificate of approval has been issued shall be designed, constructed, installed and used in accordance with such certificate approval conditions, FC 112 and the rules.

104.7.1 Device, equipment and system reuse. Devices, equipment and systems shall not be reused or reinstalled unless they have been reconditioned, tested and placed in good and proper working condition. Devices, equipment and systems that are unsafe to operate or use shall not be operated or used.

104.7.2 Technical assistance. To determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building, structure, facility or other premises subject to inspection by the commissioner, the commissioner may require the owner to provide, at the owner's expense, a technical opinion and report prepared by a registered design professional or other individual or organization whose qualifications are acceptable to the commissioner. Such individual or organization shall evaluate the safety of the design, operation or use of the building, structure, facility or other premises and the facilities, operations and conditions situated or conducted thereon, as applicable.

104.8 Modifications. When the circumstances, conditions, limitations or surroundings of any business, occupation, trade, industry or premises to which this code or the rules apply are unusual,

or such as to render it impracticable to enforce all the provisions applicable thereto, the commissioner may waive or modify such provisions to such extent, for such period of time, as the commissioner may deem necessary consistent with public safety.

104.8.1 Application for modification. Any owner or other person subject to a provision of this code or the rules may request the modification of such provision in accordance with this section.

104.8.1.1 Submission. Any person seeking a modification shall submit a written request to the commissioner stating the grounds thereof supported by relevant evidence and citation to this code or any other law, rule or regulation or other legal authority. Any additional information or other supplemental submission requested by the commissioner shall be filed with the department within 20 calendar days of the date of the request, or within such other time as may be prescribed by the commissioner.

104.8.1.2 Determination. The commissioner shall render a written determination denying the request, or granting such modification as the commissioner determines is necessary and appropriate upon such terms and conditions as the commissioner may prescribe.

104.8.1.3 Stay of enforcement. The filing of such request for a modification shall not stay the enforcement of the provision. The person filing such modification may request a stay of enforcement of such provision. Such request shall be in writing and shall be subject to the same requirements as a modification. The commissioner shall expeditiously render a written determination of such request for a stay, giving due consideration to the interests of public safety, the costs of compliance, and the apparent merits of the request.

104.8.2 Board of standards and appeals variances. Notwithstanding any other provision of law, rule or regulation, no application for a variance shall be granted by the board of standards and appeals in approving changes in bulk storage in excess of the standards set forth in this code or the rules, as it may apply to the storage of liquefied natural gas, synthetic or substitute natural gas or naphtha in the liquid or gaseous state.

104.9 Alternative devices, equipment and systems. The provisions of this code and the rules are not intended to prevent the design, installation or use of any device, equipment or system not specifically prescribed or prohibited by this code or the rules, provided that any such alternative has been approved by the commissioner. The commissioner may approve such an alternative device, equipment or system where the commissioner finds that the proposed design, installation or use is satisfactory and complies with the intent of the provisions of this code or the rules, and that the device, equipment or system offered is, for the purpose intended, at least the equivalent of that prescribed in this code or the rules in quality, strength, effectiveness, fire resistance, durability and safety.

104.10 Fire investigations. The commissioner may investigate the cause, origin and circumstances of any fire, explosion or other life safety hazard.

104.11 Authority at fires and other emergencies. The firefighting personnel in charge at the scene of a fire or other emergency involving the protection of life or property, or any part thereof,

shall have the authority to direct such operation as necessary to extinguish or control any fire, perform any rescue operation, investigate the existence of suspected or reported fires, gas leaks or other hazardous conditions or situations, or take any other action necessary in the reasonable performance of duty. In the exercise of such power, firefighting personnel may prohibit any person, vehicle, marine vessel, watercraft or object from approaching the scene and may remove, or cause to be removed or kept away from the scene, any vehicle, marine vessel, watercraft or object which could impede or interfere with the operations of the department and, in the judgment of firefighting personnel, any person not actually and usefully employed in the extinguishing of such fire or in the preservation of property in the vicinity thereof.

104.11.1 Barricades. The firefighting personnel in charge at the scene of a fire or other emergency may place ropes, guards, barricades or other obstructions across any street, alley, place or private property in the vicinity of such operation so as to prevent accidents or interference with the lawful efforts of the department to manage and control the situation.

104.11.2 Obstructing representatives of the department. It shall be unlawful to obstruct, interfere with or otherwise hamper any representative of the department in conducting any inspection, issuing any notice, order or violation, or otherwise enforcing the provisions of this code, or any other law, rule or regulation enforced by the department, or otherwise executing the performance of his or her lawful duties.

104.11.3 Systems and devices. No person shall render a life safety device, equipment or system inoperative during an emergency except as directed by the firefighting personnel in charge of the scene of a fire or other emergency.

104.11.4 Authority to disconnect utility service. The department shall have the authority to disconnect or authorize disconnection of water, natural gas, electricity or other utility service in or on a building, structure or premises when necessary to safely or effectively conduct firefighting or other emergency operations or to abate a condition presenting an imminent danger to fire or life safety. If utility service has not been restored when the department leaves the premises and there is no representative of the owner at the premises, the department shall notify the utility within a reasonable time thereafter.

104.12 Cooperation of other departments. Upon request of the commissioner, it shall be the duty of all departments to cooperate with the department at all times and to furnish the department with such information, reports and assistance as the commissioner may require.

SECTION FC 105
PERMITS AND OTHER APPROVALS

105.1 General. Permits and other approvals shall be required as set forth in FC 105.

105.1.1 Permits required. It shall be unlawful to manufacture, store, handle, use, sell or transport a hazardous material or combustible material, or to conduct an operation or to maintain a facility for which a permit is required pursuant to the provisions of this code, without such permit. Permits required by this code shall be obtained from the commissioner. Permit and other applicable fees shall be paid prior to issuance of the permit.

105.1.2 Types of permits. There shall be two types of permits as follows:

1. **Site-specific permit.** Such permit authorizes the permit holder to manufacture, store, handle, use or sell hazardous materials or combustible materials, or conduct an operation or maintain a facility at a specific premises or location, for which a permit is required by FC 105.6.

2. **Citywide permit.** Such permit authorizes the permit holder to store, handle, use, or sell hazardous materials, or conduct an operation on a citywide basis, for which a permit is required by FC 105.6. A citywide permit is valid to temporarily store, handle, use or sell hazardous materials or to conduct an operation at one or more locations subject to the following restrictions:

   2.1. The duration of such activity at any individual location does not exceed 30 calendar days and all hazardous materials associated with such activity are removed from the location at the end of the workday. Periods of activity in excess of 30 calendar days at any one location shall require a site-specific permit.

   2.2. The quantity of hazardous materials being temporarily stored and used does not exceed 5 gallons (19 L) of gasoline, or 250 gallons (946 L) of any other flammable liquid, and 300 gallons (1136 L) of any combustible liquid. Storage or use of hazardous materials in quantities exceeding these amounts requires a site-specific permit for each location at which such storage or use occurs.

   2.3. Any vehicle used to transport a hazardous material and/or equipment for an operation requiring a citywide permit is subject to inspection by the department.

105.1.3 Permits for the same premises or location. When more than one permit is required for the same premises or other location or portion thereof, the commissioner may consolidate such permits into a single permit; provided that each type of hazardous material, operation or facility is listed in the permit, and provided further that the total fees payable for such single permit shall be determined by adding the fees for the permits consolidated into the single permit.

105.1.4 Reserved.

105.1.5 Insurance. The commissioner may require applicants for permits or other approvals to obtain and furnish proof of general liability insurance, in such amounts and in accordance with such requirements as may be set forth in this code or the rules, otherwise required by law, or required as a condition of the permit or other approval. The permit or other approval shall expire by operation of law if any such required insurance lapses, expires or is cancelled during the term of the permit or other approval.

105.2 Permit application. Application for a permit required by this code shall be made to the commissioner in such form and detail as the commissioner may prescribe. Applications for permits shall be accompanied by design and installation documents and/or such other information or

documentation as may be prescribed by this code, the rules or the department. Applications for permits relating to the storage, handling, use or transportation of high explosives shall be accompanied by proof of United States citizenship.

105.2.1 Reserved.

105.2.2 Inspection of premises and installations. Before a permit or other approval is issued, the commissioner may inspect the building, structure, facility, premises, marine vessel, watercraft or vehicle to confirm the facts set forth in the application, determine compliance with the requirements of this code, the rules and other applicable laws, rules or regulations enforced by the commissioner, or to evaluate whether any restrictions should be imposed as a condition of the permit or other approval. The department may require the applicant to arrange any such inspection, and require the applicant to attend such inspection with his or her design professionals, contractor or other appropriate representatives. When a department inspection is required upon completion of an installation or other work or requested by the department, the applicant shall notify the department upon completion of such work and request such inspection, arrange for the presence of the appropriate representatives at such inspection, correct any deficiencies identified during such inspection, and keep the installation or other work accessible for department inspection until department approval is obtained.

105.2.3 Time limitation on application. An application for a permit or other approval shall be deemed to have been abandoned 180 calendar days after the date of filing, unless such application has been diligently prosecuted or a permit or other approval shall have been issued; except that the commissioner may grant one or more extensions of time for additional periods not exceeding 90 calendar days each if there is reasonable cause.

105.2.4 Action on application. Completed permit applications for the manufacture, storage, handling, use, transportation or sale of flammable or combustible liquids, combustible materials or hazardous materials or an operation or facility that comply with the requirements of this code and other applicable laws, rules and regulations shall be approved by the commissioner no later than 40 calendar days after the submission thereof, except that on or before the fortieth day, the commissioner may, for good cause, extend such time for an additional 40 calendar days. Permit applications that do not comply with the requirements of this code and other applicable laws, rules and regulations shall be denied or preliminarily denied no later than 40 calendar days from the submission thereof and written notice of such denial or preliminary denial, stating the grounds therefor, shall be promptly given to the applicant. When a permit application has been denied or preliminarily denied and is thereafter revised and resubmitted to meet the stated grounds for denial, the revised completed application shall be approved or denied or preliminarily denied in accordance with the foregoing procedures and time periods.

105.3 Authority granted by permit or other approval. A permit or other approval shall constitute permission to manufacture, store, handle, use, sell or transport hazardous materials or combustible materials, conduct an operation, or maintain a facility, as applicable, in accordance with this code and the rules where a permit is required by FC 105.6. Such permission shall not be construed as authority to violate, cancel or set aside any of the provisions of this code, the rules or other applicable laws, rules or regulations.

105.3.1 Permit issuance and renewal. Every permit or renewal thereof granted by the commissioner shall be for a period specified therein, not to exceed 2 years, or as set forth in FC 105.6, and shall expire at the end of such period unless the commissioner approves its renewal. Permits are not transferable and any change in occupancy, operation, tenancy or ownership shall require that a new permit be issued.

105.3.2 through and including 105.3.4 Reserved.

105.3.5 Posting the permit. Permits shall be posted in a conspicuous location on the premises designated therein at all times and shall be readily available for inspection by any representative of the department.

105.3.6 Compliance with the requirements of the code. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of other law, rule or regulation. Permits purporting to authorize any such violation shall not be valid. The department's approval of design and installation documents or other submission, in connection with or independent of a permit application, shall not prevent the department from requiring the correction of errors in such documents or other submission. Any addition to, or alteration of, approved design and installation documents shall be approved in advance by the department.

105.3.7 Reserved.

105.3.8 Hazardous industries. Except as otherwise provided in this code, no person shall engage in a hazardous industry, trade, occupation, activity or operation requiring the manufacture, storage, handling, sale, use or transportation of hazardous materials or combustible materials without a permit, issued upon such conditions as the commissioner deems necessary in the interest of public safety.

105.3.9 Compliance with the requirements of the construction codes and Electrical Code. The commissioner may require that the applicant for a permit or renewal thereof demonstrate, by submission of a certificate of occupancy or other authorization or approval issued by the Department of Buildings, that the building, structure or premises or portion thereof used for the manufacture, storage, handling or use of flammable or combustible liquids, combustible materials or hazardous materials, and all operations or facilities subject to this code, are designed, constructed and occupied in accordance with the certificate of occupancy, the construction codes and the Electrical Code.

105.3.9.1 Department of Buildings required approval. No permit shall be issued when work requires the approval of the Commissioner of Buildings in connection with a material, operation or facility unless proof is submitted to the department that such work has been approved by the Commissioner of Buildings.

105.4 Design and installation documents. Design and installation documents required to be submitted to the department pursuant to the provisions of this code, the rules or the construction codes, including but not limited to those set forth below, or as directed by the commissioner to

demonstrate or document that a device, equipment, system, operation or facility regulated by this code is designed and installed in accordance with this code, shall be submitted in accordance with this section. Such submissions shall be reviewed by the department for compliance with the requirements of this code, the rules and other applicable laws, rules and regulations enforced by the department. The time limitations for approval of design and installation documents and for deeming such submissions abandoned shall be as set forth in FC 105.2.3 and 105.2.4.

Aerosol products storage facilities:

1. General purpose warehouses (FC 5104).
2. Aerosol warehouses (FC 5104).
3. Liquid storage rooms (FC 5104).
4. Liquid warehouses (FC 5104).
5. Outdoor storage (FC 5105).
6. Retail display (FC 5106).

Aircraft fueling systems (FC 2006).

Ammonia diffusion systems for refrigerating systems using ammonia refrigerant (FC 606).

Automated Parking Garage (FC 611).

Auxiliary radio communication (ARC) systems, fire department in-building (FC 510).

Cellulose nitrate film storage facilities (FC 306).

Combustible fibers storage facilities:

1. Loose fiber storage (FC 3704).
2. Baled fiber storage (FC 3705).

Combustible material storage (FC 315).

Commercial cooking system fire extinguishing systems (FC 904).

Corrosive materials systems and facilities:

1. Storage (FC 5404).
2. Handling and use (FC 5405).

Cryogenic fluids systems and facilities:

1. Storage (FC 5503 and 5504).
2. Handling and use (FC 5503 and 5505).
3. Liquefied natural gas facilities (FC 5506).

Distilleries (FC 4004 and 4005).

Dry cleaning systems using Class II and III solvents (FC 2107).

Emergency alarms (FC 908):

1. Flammable alcohol vapor (FC 4003).
2. Gaseous hydrogen (FC 5808).
3. Hazardous materials (FC 5004 and 5005).
4. Lighter-than-air motor fuels (FC 2308, 2309 and 2311).
5. Medical gases (FC 5306).
6. Flammable gases distribution piping operating above 15 psig (FC Table 908.1).
7. Ozone gas (FC 6005).
8. Refrigerants (FC 606).
9. Toxic/highly toxic materials (FC 6004).

Energy storage systems, stationary (FC 608.6).

Explosion control systems for certain hazardous materials and special uses (FC 911).

Explosion (dust) protection systems for combustible metals, metal powders, metal dusts and sulfur (FC 2204).

Explosives (FC 5604).

Facilities in which a fumigant or insecticidal fogger are designed to be used in a stationary installation (FC 2603).

Fire alarm systems and fire command centers (FC 907 and Sections 403, 907 and 911 of the Building Code).

Fire apparatus access roads and security gates installed across such roads (FC 503).

Fire extinguishing systems (sprinkler systems listed separately):
1. Aerosol (FC 904).
2. Carbon dioxide (FC 904).
3. Clean agent (FC 904).
4. Dry chemical (FC 904).
5. Foam (FC 904).
6. Halon (modification of lawfully existing installations) (FC 904).
7. Water mist (FC 904).
8. Wet chemical (FC 904).

Fixed guideway transit and passenger rail systems (FC 321):
1. Emergency ventilation systems.
2. Emergency voice communication systems.
3. Means of egress.
4. Standpipe systems and other fire protection systems.

Flammable and combustible liquid systems and facilities:
1. Piping, equipment, tanks, plants, terminals, fuel-dispensing facilities and similar facilities where flammable and combustible liquids are manufactured, stored, handled or used, including dispensing (FC 5704).

2. Group M occupancy wholesale and retail sales uses (FC 5704).
3. Liquid storage rooms (FC 5704).
4. Liquid storage warehouses (FC 5704).
5. Outdoor storage (FC 5704).
6. Bulk plants and terminals (FC 5706).

Flammable gas systems and facilities:
1. Storage (FC 5804).
2. Handling and use (FC 5805).
3. CNG storage in portable containers (FC 5811).
4. Methane gas recovery from landfills (FC 5809).
5. Compressing of a flammable gas, including piped natural gas, to a pressure exceeding 6 psig (41.4 kPa) (FC Chapter 58).
6. Hydrogen fuel gas rooms (FC 5808).

Flammable solid systems and facilities:
1. Storage (FC 5904).
2. Handling and use (FC 5905).

Flammable/combustible spraying, dipping or powder-coating systems and facilities:
1. Spray booths (spray finishing) (FC 2404).
2. Spray rooms (spray finishing) (FC 2404).
3. Dip tanks (FC 2405).
4. Spray booths (powder coating) (FC 2406).
5. Spray rooms (powder coating) (FC 2406).
6. Limited spraying space (FC 2404).

Flaring systems for refrigerating systems using flammable or toxic or highly toxic refrigerants (FC 606).

Hazardous materials systems and facilities (FC 5003, 5004 and 5005) (applicable to compressed gases, corrosive materials, cryogenic fluids, explosives, flammable and combustible liquids, flammable gases, flammable solids, highly toxic and toxic materials, LPG, organic peroxides, oxidizers, pyrophoric materials, unstable (reactive) materials and water-reactive solids and liquids):
1. Tanks (FC 5003).
2. Piping, tubing, valves and fittings (FC 5003).
3. Highly toxic and toxic compressed gas rooms (FC 5003).

Highly toxic and toxic materials systems and facilities:
1. Storage, handling and use of highly toxic and toxic solids and liquids (FC 6003).
2. Storage, handling and use of highly toxic and toxic compressed gases (FC 6004).
3. Ozone gas generators (FC 6005).

High-piled combustible storage areas (FC 3201).

Industrial furnaces (FC 3001).

LPG (FC 6101).

Marina fire protection systems (FC 3605).

Medical gases:
1. Storage and piping systems (FC 5306).

Motor fuel dispensing facilities and repair garages (FC 2301):
1. Fleet motor fuel-dispensing facilities.
2. Full-service motor fuel-dispensing facilities.
3. Self-service motor fuel-dispensing facilities.
4. Repair garages for vehicles fueled by lighter-than-air motor fuels.

Natural gas distribution piping systems designed for or operated at 15 psig (103 kPa gauge) or greater (Fuel Gas Code).

Nonflammable compressed gases systems and facilities (FC 5303).

Organic coating manufacturing process facilities (FC 2905).

Organic peroxides storage and facilities:
1. Storage (FC 6204).
2. Handling and use (FC 6205).

Oxidizer systems and facilities:
1. Storage (FC 6304).
2. Handling and use (FC 6305).

Oxygen-fuel gas systems (FC 3501 and 3509).

Private fire hydrant systems (FC 507).

Pyrophoric materials systems and facilities:
1. Storage (FC 6404).
2. Handling and use (FC 6405).
3. Storage, handling and use of silane gas (FC 6404 and 6405).

Pyroxylin plastics systems and facilities (FC 6504).

Roof access (altered roofs) (FC 504.4 and 504.5)

Semiconductor fabrication facilities:
1. Facilities (FC 2703).
2. Fabrication areas (FC 2703).
3. Hazardous production material (HPM) rooms (FC 2703).

Sprinkler systems where the design requirements are specified in this code (FC 2309, 3206, 3207, 3208, 3209, 3210, 5104, 5106 and 5704).

Treatment systems for refrigerating systems using toxic or highly toxic refrigerants (FC 606).

Unstable (reactive) materials systems and facilities:

1. Storage (FC 6604).
2. Handling and use (FC 6605).

Vehicle tunnels and bridges (FC 322):

1. Emergency ventilation systems.
2. Emergency voice communication systems.
3. Means of egress.
4. Standpipe systems and other fire protection systems.

Water-reactive solids and liquids systems and facilities:

1. Storage (FC 6704).
2. Handling and use (FC 6705).

Yard hydrant systems (FC 507.2.3 and 5706.4.10.5).

105.4.1 Submissions. Design and installation documents shall be submitted in such number and in such form and detail as may be prescribed by the commissioner. The design and installation documents shall be prepared by a registered design professional. The commissioner may require that such submissions be made in an approved electronic format or medium or online application.

> **Exception:** Design and installation documents for pre-engineered fire extinguishing systems for commercial cooking systems may be prepared by a licensed master fire suppression piping contractor.

105.4.2 Information on design and installation documents. Design and installation documents shall be drawn to scale. Design and installation documents shall indicate the location, nature and extent of the work proposed and demonstrate compliance with the requirements of this code, the rules and other applicable laws, rules and regulations.

105.4.3 Approved documents required. When department review of design and installation documents is required by this code or other laws, rules or regulations, it shall be unlawful to construct or alter any facility, or install, alter or remove any device, equipment or system, without first having obtained department approval of the design and installation documents.

105.4.4 Approved documents. The department shall approve, or deny, or preliminarily deny design and installation documents in accordance with the procedures and time periods set forth in FC 105.2.4. Department approval of design and installation documents may be made subject to the requirements of the Building Code and other applicable laws, rules and regulations, and shall be documented and effective as set forth in this section.

105.4.4.1 Terms of approval. The department may make its approval of design and installation documents subject to such terms and conditions as the department may prescribe by rule or specify as part of the approval. Department approval of design and installation documents for fire alarm systems, fire extinguishing systems, and/or other devices, equipment, systems or facilities that do not require a Department of Buildings work permit, may incorporate by reference terms and conditions of the construction codes relating to work permits and licensing, including those in Articles 105 and 106 of Chapter 1 and Article 410 of Chapter 4 of Title 28 of the Administrative Code.

105.4.4.2 Method of approval. Upon approval of design and installation documents, the department shall mark such approval upon such documents and/or issue a letter of acceptance or other form of written authorization.

105.4.4.3 Limitations of approval. Department approval of design and installation documents is limited to the laws, rules and regulations enforced by the department and for which approval has been sought. Department approval shall not relieve the applicant of the responsibility of compliance with the requirements of this code, the rules and any other applicable laws, rules or regulations.

105.4.4.4 Authorization to perform work. Department approval of design and installation documents authorizes performance of the work encompassed by the approval, subject to all other applicable laws, rules or regulations, including, when applicable, the requirement to obtain a work permit from the Department of Buildings, provided, however, that where department approval of design and installation documents is for devices, equipment, systems or facilities that do not require a Department of Buildings work permit, commencement of the work may be made contingent on department issuance of a project authorization following submission of contractor licensing information and such other information and documentation as may be required in accordance with FC 105.4.4.1.

105.4.5 Inspection and testing. The commissioner may require that, upon completion, any installation for which approved design and installation documents are required by this code or the rules be inspected and/or subjected to acceptance testing in the presence of a department representative.

105.4.6 Corrected documents. Where field conditions necessitate any change from the approved design and installation documents, corrected design and installation documents or other documentation acceptable to the department shall be submitted.

105.4.7 Retention of design and installation documents. One set of approved design and installation documents shall be retained by the commissioner. Approved design and installation documents, with the department stamp and/or other indicia of approval, 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 installation or other work has been inspected and/or 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.

Alcohol-based hand rubs. The storage, handling and use of alcohol-based hand rubs is subject to the following permit requirements:

1. A permit is required to store, handle or use flammable or combustible alcohol-based hand rubs on a premises, for use on the premises, in quantities exceeding 275 gallons (1041 L), when stored, handled or used in a portable container designed for consumer use, with a capacity not exceeding 68 fluid ounces (2.01 L), that does not require handling of the contents, including disposable wall-mounted and table-top dispensers and wall-mounted dispensers using sealed refills.

2. A flammable liquids permit or combustible liquids permit, as applicable, is required to store, handle or use flammable or combustible alcohol-based hand rubs in any tank, intermediate bulk container or stationary installation; portable container with a capacity exceeding 68 fluid ounces (2.01 L); or portable container of any size that requires

handling of the contents prior to use for hand sanitizing purposes, including any pouring, pumping or other transfer of the contents to a dispenser.

Amusement buildings. A permit is required to establish and operate a special amusement building.

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

Automotive salvage and wrecking facilities. A permit is required to establish and operate an automotive salvage and wrecking facility.

Auxiliary radio communication (ARC) systems. A permit is required to establish and operate a fire department in-building auxiliary radio communication system.

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 establish and operate any facility that generates combustible dust, including grain handling, milling and storage, powder coating, printing, and woodworking operations.

Combustible fibers. A permit is required to store or handle combustible fibers in quantities exceeding 100 cubic feet (2.8 m^3).

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 m^3) 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 kitchen. A permit is required to establish and operate a commercial kitchen. A separate permit shall be required for each kitchen or other separate cooking area that is a commercial kitchen.

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, except at construction sites	400
Liquefied petroleum gas at construction sites	170 (20 lb)

Acetylene at construction sites	100
Highly toxic	Any Quantity
Nonflammable and nonoxidizing, except carbon dioxide	3,000
Carbon dioxide, low-pressure carbon dioxide beverage dispensing systems	3,500
Carbon dioxide, all other	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 m^3.

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 FC 6306 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.

Distilleries. A permit is required to establish and operate a distillery.

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

Energy storage systems, stationary. A permit is required to install and operate a stationary energy storage system.

Exceptions: A permit is not required for:

1. indoor systems in Group R-3 occupancies, including an energy storage system installed in a Group R-3 dwelling or in an attached or detached garage serving such a dwelling, or mounted on an exterior wall of such a dwelling or garage.

2. outdoor systems with an aggregate rated energy capacity of 20 kWh or less.

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.

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 (266 L), 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.

10. to store and use gasoline in quantities exceeding 2½ gallons (9.5 L) in a single item of portable fueled equipment lawfully stored in accordance with FC 313 or an aggregate of 10 gallons (38 L) in all such portable fueled equipment stored at a premises.

Fleet fueling. The transfer of Class II and III liquids directly from a cargo tank through approved dispensing equipment into the fuel tank of a motor vehicle at an approved off-street location where fleet vehicles are parked.

Floor finishing. A permit is required to conduct floor finishing or surfacing operations over an area exceeding 350 square feet (33 m^2) using Class I or Class II liquids.

Fruit and crop ripening. A permit is required to establish and 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 establish and 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	See FC Table 105.6(1)
Liquids	Any quantity
Solids	Any quantity
Oxidizing materials	
Gases	See FC Table 105.6(1)
Liquids	
Class 4	Any quantity
Class 3	1 gallon
Class 2	10 gallons
Class 1	55 gallons
Solids	
Class 4	Any quantity
Class 3	10 pounds
Class 2	100 pounds
Class 1	500 pounds
Organic peroxides	
Liquids	
Class I	Any quantity
Class II	Any quantity
Class III	1 gallon
Class IV	2 gallons
Class V	No Permit Required
Solids	
Class I	Any quantity
Class II	Any quantity
Class III	10 pounds
Class IV	20 pounds
Class V	No Permit Required
Pyrophoric materials	
Gases	See FC Table 105.6(1)
Liquids	Any quantity
Solids	Any quantity
Toxic materials	
Gases	See FC Table 105.6(1)
Liquids	10 gallons
Solids	100 pounds
Unstable (reactive) materials	
Gases	See FC Table 105.6(1)

Liquids	
Class 4	Any quantity
Class 3	Any quantity
Class 2	5 gallons
Class 1	10 gallons
Solids	
Class 4	Any quantity
Class 3	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 m^2) 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, including the following types of hot work:

1. use of a flammable gas with oxygen.

2. use of flammable gas without oxygen at a construction site where a Department of Buildings work permit is required.

3. use of electric arc equipment at a construction site where a Department of Buildings work permit is required.

4. use of any open flame in a torch-applied roof system.

5. public demonstration of hot work, other than in an accredited educational institution or program.

Hydrogen fuel gas room. A permit is required to establish and operate a hydrogen fuel gas room for the generation, storage, handling and use of gaseous hydrogen.

Industrial furnaces. A permit is required to install and operate an industrial furnace regulated by FC Chapter 30.

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 ft^3) (236 m^3).

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 establish and 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 establish and 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 m^3) of flammable gas.

Non-tobacco hookah establishments. A permit is required to establish and operate a non-tobacco hookah establishment pursuant to Chapter 5 of Title 17 of the Administrative Code and FC 310.7.

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 establish and 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 install and 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 establish and operate a repair garage.

Special effects. A permit is required for the conduct of a special effects display, and all related storage, handling, use and transportation of pyrotechnic special effects materials and/or non-pyrotechnic special effects materials.

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 24.

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 establish and 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 m^3) 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 m^3) 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:

1. in or on a 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. in connection with a business or operation requiring a permit or certificate of fitness under this code, including any New York City-based business or operation engaged in the transportation or delivery of hazardous materials, in or on a:

    2.1. 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.

    2.2. 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.

2.3. motor vehicle transporting a compressed gas in any quantity exceeding the limits set forth in FC Table 105.6(1) or 105.6(2).

2.4. 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 FC 5007.11 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 FC 104.3, 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, fire apparatus access road, or facility regulated by this code or the rules is installed or established, including any signage or other condition or ancillary equipment necessary for its proper operation or maintenance, 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, permit or other approval conditions and approved design and installation documents, manufacturer's instructions, and any other law, rule or regulation enforced by the commissioner. Periodic inspection, testing or other actions required to ensure proper operation and maintenance shall be conducted in accordance with such laws, rules, regulations, approvals and instructions. When any inspection, test or other circumstance discloses a non-compliant condition, the necessary repairs or other corrective actions shall be taken to render such condition compliant with all applicable requirements and restore such device, equipment, system, operation, installation, fire apparatus access road or facility to good working order. All signs and other items required to be posted, and required markings, shall be maintained in a secure and legible condition and not obstructed from view.

107.2 Reserved.

107.3 Supervision. Maintenance and testing shall be under the supervision of a competent person who shall ensure that such maintenance and testing are conducted at specified intervals in accordance with this code and the rules. When required by specific provisions of this code or the rules, such person shall be certified by the department or the Department of Buildings.

107.4 Tampering with or rendering equipment inoperable. It shall be unlawful for any person to deface, obscure, remove or otherwise tamper with or render inoperable or inaccessible any fire protection system, fire hydrant, fire detection and alarm system, portable fire extinguisher or other fire appliance and related appurtenances, except as necessary during emergencies, maintenance, repairs, alterations, drills, prescribed testing or as otherwise authorized by the commissioner.

Exception: Non-emergency use of fire hydrants approved by the Department of Environmental Protection.

107.4.1 Temporary covering of fire protection devices. Coverings placed on or over fire protection devices to protect them from damage during construction operations shall be removed immediately upon the completion of each work shift**.**

107.4.2 Other tampering. Locks, gates, doors, barricades, chains, enclosures, signs, tags or seals required by this code, the rules, permit or order of the commissioner shall not be removed, defaced, obscured, unlocked and/or otherwise rendered illegible or inoperable.

107.5 Owner/occupant responsibility. The owner shall be responsible at all times for the safe maintenance of a building, structure and premises in accordance with this code, and shall conduct any and all inspections or tests necessary for such maintenance. Correction and abatement of

violations of this code and the rules shall be the responsibility of the owner. If an occupant creates, or allows to be created, hazardous conditions in violation of this code or the rules, the occupant shall also be responsible for the abatement of such hazardous conditions.

107.6 Overcrowding. It shall be unlawful to cause overcrowding, maintain an indoor or outdoor space in an overcrowded condition, or allow an indoor or outdoor area or space to become overcrowded. The commissioner may order remedial actions necessary to abate the overcrowding condition and prevent future recurrence of such condition, including suspending or terminating the event or other gathering, vacating the premises, enforcing the lawful use and maximum occupancy of the premises and/or requiring the provision of fire guards.

107.7 Recordkeeping. A written record of the inspections, tests, servicing, fire watch and other operations and maintenance required by this code, the rules, the referenced standards and any other required recordkeeping referenced therein, shall be maintained on the premises or other approved location for a minimum of 3 years, unless a different period of time is specified in such code, rules or referenced standards. The commissioner may prescribe the form and format of such recordkeeping. Such records shall be made available for inspection by any department representative, and a copy of such records shall be provided to the department upon request, without charge. The department additionally may require that certain records be filed with the department in such manner as the department may prescribe, including online electronic submission, other electronic format or paper filing.

SECTION FC 108
RESERVED

SECTION FC 109
VIOLATIONS

109.1 Violations. The provisions of this code and the rules shall be enforced in accordance with this chapter, Title 15 of the New York City Administrative Code and the rules.

109.2 Penalties. Penalties for violations of this code and the rules shall be in accordance with this chapter, Title 15 of the New York City Administrative Code and the rules.

109.2.1 Transportation of extremely hazardous materials. Except for transportation subject to FC 5007 and in addition to any other penalties provided by law, rule or regulation, a person who transports explosives, fireworks, chlorine, or any hazardous material in violation of this code or the rules shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one thousand dollars and not more than ten thousand dollars, or imprisonment for not more than 6 months or both, for each offense.

109.2.2 Failure to provide fire protection systems. In addition to any other penalties provided by law, rule or regulation, any person who shall violate, or refuse, or neglect to comply with any provision of law requiring a sprinkler system, fire alarm system or emergency lighting in a Group A occupancy shall upon conviction thereof be punished by a fine of not less than five hundred dollars nor more than ten thousand dollars for the first violation, not less than one thousand dollars nor more than ten thousand dollars for the second violation, not less

than fifteen hundred dollars nor more than ten thousand dollars for the third violation, and not less than two thousand dollars nor more than ten thousand dollars for the fourth violation, and every subsequent violation, or, for any such violation by imprisonment for not more than 6 months, or by both such fine and imprisonment.

109.2.3 Criminal liability. In the event that any person is burned by the explosion of any material the sale of which is prohibited by this code, or which has not been approved as herein provided, and death ensues therefrom, in addition to any other penalties provided by law, rule or regulation, the person found guilty of selling the material shall be deemed guilty of a felony, and, upon conviction, shall be punished by a fine of not less than one thousand dollars, nor more than five thousand dollars, or by imprisonment for a term not less than 1 year nor more than 5 years; and in case of a bodily injury the person injured may maintain an action for damages against the person violating the provisions of this code.

109.2.4 Civil penalty for use of fireworks without a permit. Notwithstanding any other provision of law, and in addition to any criminal penalties that may apply, any person who violates FC 105.6 by discharging or otherwise using fireworks without a permit shall be liable for a civil penalty of seven hundred fifty dollars, which may be recoverable in a proceeding before the New York City Environmental Control Board. For the purposes of subdivision e of Section 15-230 of the Administrative Code, such violation shall be deemed to be hazardous.

SECTION FC 110
RESERVED

SECTION FC 111
ORDER TO DISCONTINUE WORK

111.1 Order. Whenever the commissioner finds any work regulated by this code or the rules being performed in a manner contrary to the provisions of such code or the rules, any design and installation document approved by the department, or any condition of a permit, or otherwise being performed in an unsafe manner, the commissioner may issue an order to discontinue work. For purposes of this section, the term “work” shall include any of the following regulated by this code or the rules: the manufacturing, storage, handling, use or transportation of any material, and any device, equipment or system in connection therewith; the conduct of any operation; and the operation of any facility.

111.2 Issuance. An order to discontinue work shall be in writing and shall be issued to the owner or other person authorizing, supervising or engaging in the work. Upon issuance of an order to discontinue work, the cited work shall immediately cease. The order to discontinue work shall state the reason for the order, and the conditions under which the cited work may resume.

111.3 Emergencies. Where an emergency exists, the commissioner shall not be required to give written notice prior to ordering the work discontinued.

SECTION FC 112
CERTIFICATE OF APPROVAL

112.1 Approval of articles, equipment and devices. Where required by this code or the rules, the manufacturer of any article, equipment or device installed in any facility or used in connection with any material or operation shall obtain a certificate of approval for the design, installation, operation and/or maintenance of such article, equipment or device. Certificates of approval are required for:

1. Auxiliary radio communication (ARC) systems, fire department in-building:

    1.1. Base stations.

    1.2. Radio consoles.

2. Bars, grills, grates or similar devices placed over emergency escape and rescue openings, and openings onto fire escapes.

3. Commercial cooking exhaust systems:

    3.1. Ductless hoods.

    3.2. Emission control devices.

    3.3. Prefabricated hoods.

    3.4. Grease filters.

4. Distillery stills.

5. Energy storage systems, stationary:

    5.1. Storage battery unit, including pre-engineered and pre-packaged systems.

    5.2. Mobile systems.

6. Fire protection devices, equipment and systems:

    6.1. Fire alarm control units, and medical gas, toxic, highly toxic and flammable gas detection system control panels.

    6.2. Fire department connections, standpipe system hose outlets and pressure reducing valves.

    6.3. Pre-engineered non-water fire extinguishing systems, including foam fire extinguishing systems installed in connection with commercial cooking systems.

7. Flame-retardant chemicals and treatment.

8. High and/or low explosive products, devices, and firing systems in connection with blasting.

9. Metal hydride hydrogen storage systems.

10. Piped natural gas pressure boosters.

11. Pre-manufactured spray rooms and pre-manufactured spray booths that circulate heated air.

112.2 Conditions of approval. The department may set forth in the certificate of approval conditions on the approved purpose or use of such article, equipment or device, or type, class or kind thereof, as may be necessary in the interest of public safety. The department may include under a single certificate of approval more than one type, class or kind of article, equipment or device of a similar design or common characteristic.

112.3 Markings. Each article, equipment or device, or type, class or kind thereof, for which a certificate of approval has been issued shall have the number of such certificate plainly stamped or otherwise affixed upon it.

112.4 List of acceptable laboratories, articles and devices. A current list of all testing services and laboratories acceptable to the department for the purpose of testing articles, equipment and devices, and a current list of all acceptable articles, equipment and devices shall be maintained by the department and made available for public inspection.

112.5 Application. Applications for a new or renewal certificate of approval required by the provisions of this code or the rules shall be made to the department, in such form and detail as the department may prescribe, including such information and documentation as the department may require. An application for a certificate of approval shall include complete drawings of and specifications for the article, equipment or device for which approval is sought and, unless the department determines that it is impracticable, the article, equipment or device itself shall be attached to or submitted with the application. The department may require that the article, equipment or device be examined, tested or demonstrated at the applicant's expense in a manner prescribed by the department, including examination and testing by a testing laboratory acceptable to the department. In those instances where a testing or performance standard is not prescribed by this code or the rules, the article, equipment or device or type, class or kind of article, equipment or device shall have been examined and tested in a manner acceptable to the department.

112.6 Issuance. The department may grant an application for a certificate of approval upon a determination that the application article, equipment or device is designed for the purpose for which it is to be used and can be safely operated in accordance with this code, the rules and other applicable laws, rules and regulations.

112.6.1 Term of certificate. Every certificate or renewal thereof granted by the commissioner shall be for a period as specified therein, not to exceed 3 years, and shall expire at the end of such period unless the department approves its renewal.

112.6.2 Time for submission of renewal applications. Applicants may apply for renewal during the period from 60 calendar days prior to a certificate's expiration date to not more than 1 year after such date. The commissioner shall not renew certificates that have been expired for more than 1 year. Applicants holding such certificates must apply for an original certificate and comply with all the original certificate requirements.

112.6.3 Renewal. Certificate renewals shall be at the discretion of the department in the interest of public safety. The department may reevaluate the design and safety of the article, equipment or device in light of changes in applicable laws, rules or regulations, new technology, and safety concerns arising from the use of the article, equipment or device.

112.7 Expired certificates. It shall be unlawful to install articles, equipment or devices authorized by a certificate after the term of such certificate has expired.

112.8 Certificate revocation and suspension. The department may, at any time, revoke or suspend a certificate for good cause. The certificate holder shall be afforded notice and an opportunity to be heard prior to any such suspension or revocation except that, in the circumstance of an imminent threat to public safety, such notice and opportunity to be heard may be given promptly after such revocation or suspension.

112.9 Maintenance on premises. A copy of the certificate of approval shall be maintained at the premises for review by persons installing, operating or maintaining the approved article, equipment or device, and for inspection by any representative of the department.

SECTION FC 113
CERTIFICATES OF FITNESS AND QUALIFICATION

113.1 Supervision required. The commissioner may require that a material, operation or facility subject to the provisions of this code, the rules, or other laws, rules and regulations enforced by the department, be manufactured, stored, handled, used, maintained, inspected and tested, transported, conducted by, or operated under the supervision of, a person holding a certificate pursuant to this section. The commissioner may require such supervision to be personal supervision or general supervision of the material, operation or facility. Where a reference in this code is made to a certificate of fitness without identifying the type of certificate, such reference shall be to the certificate of fitness designated by the commissioner as appropriate to conduct or supervise the material, operation or facility.

113.1.1 Work location. Except as otherwise provided in this code or the rules, the commissioner may issue certificates for one or more designated work locations.

113.2 Duties. In addition to any other responsibilities specified in this code or the rules, a certificate holder shall be responsible for:

1. the safe manufacturing, storage, handling, use, operation, maintenance, inspection, testing, repair and/or supervision of the material, operation or facility, and emergency preparedness,

for which the certificate is required, in accordance with this code, the rules, and any other applicable laws, rules and regulations.

2. notifying the department of any fire, explosion, reportable leak or other release of hazardous material, or other emergency related to the duties of his or her certificate.

3. keeping such certificate upon his or her person or otherwise readily available on the premises for inspection by any representative of the department, at all times while conducting or supervising the material, operation, facility or emergency preparedness for which the certificate is required.

113.3 Applications. Applications for new or renewal certificates required by the provisions of this code or the rules shall be made to the commissioner, in such form and detail as the commissioner may prescribe, including such information and documentation as the commissioner may require.

113.4 Minimum qualifications. Applicants for certificates shall comply with the following minimum requirements:

1. Be at least 18 years of age, or such age above the age of 18 as may be required by law, rule or regulation.

2. Have a reasonable understanding of the English language and be able to answer satisfactorily such questions as may be asked of such applicant upon his or her examination.

3. Present such evidence of his or her character, habits and past employment, as may be satisfactory to the commissioner.

4. Present such evidence of his or her qualifications as set forth in the rules or the department's notice of examination for such certificate.

5. Pass an examination, administered by the department or other entity that tests the applicant's knowledge of the code, law, rules and regulations governing the regulated material, operation or facility, and the precautions and other actions necessary to ensure the proper and safe performance of his or her duties as a certificate holder.

6. When applying for a certificate of fitness relating to storage, handling and use of explosives, present proof of United States citizenship.

113.5 Investigation. Applicants are subject to an investigation by the department in connection with their application and their qualifications and fitness for the certificate.

113.6 Fingerprinting. Applicants for a certificate of fitness for the storage, use and handling of explosives, fireworks, pyrotechnics and special effects shall be fingerprinted and a criminal background check conducted for the purposes authorized by law. The commissioner may require such fingerprinting and criminal background check for other certificates.

113.7 Issuance. The commissioner may grant an application for a certificate upon a determination that the applicant possesses the qualifications and fitness required for such certificate, as set forth in the code and the rules.

113.7.1 Term of certificate. Every certificate or renewal thereof granted by the commissioner shall be for a period as specified therein, not to exceed 3 years, and shall expire at the end of such period unless the commissioner approves its renewal.

113.7.2 Time for submission of renewal applications. Applicants may apply for renewal during the period from 60 calendar days prior to a certificate's expiration date to not more than 1 year after such date. The commissioner shall not renew certificates that have been expired for more than 1 year. Persons holding such certificates must apply for an original certificate and comply with all of the original certificate requirements.

113.7.3 Renewal. Certificate renewals shall be at the discretion of the commissioner in the interest of public safety based on a review of the certificate holder's qualifications and fitness. The department may review the certificate holder's qualifications and fitness and may require a certificate holder to complete a department-approved continuing education program and/or provide other proof of the holder's continuing qualifications and fitness.

113.8 Expired certificates. It shall be unlawful to perform or provide such supervision for a material, operation or facility authorized by a certificate after the term of such certificate has expired.

113.9 Certificate revocation and suspension. The commissioner may, at any time, revoke or suspend a certificate for misconduct, or other good cause. The certificate holder shall be afforded notice and an opportunity to be heard prior to any such suspension or revocation except that, in the circumstance of an imminent threat to public safety, such notice and opportunity to be heard may be given promptly after such revocation or suspension.

SECTION FC 114
CERTIFICATES OF LICENSE

114.1 Supervision required. The commissioner may require that the installation, alteration, testing and repair of liquid motor fuel storage and dispensing equipment and systems, and flammable or combustible liquid storage systems, be conducted by a person holding a certificate of license or by an employee of such certificate holder working under his or her direct supervision.

114.2 Duties. In addition to any other responsibilities specified in this code or the rules, a certificate of license holder shall be responsible for:

1. the proper and safe installation, alteration, testing and repair of liquid motor fuel storage and dispensing equipment and systems, and flammable or combustible liquid storage systems in accordance with this code, the rules, and any other applicable laws, rules and regulations.

2. verifying that all required approvals from the department have been obtained prior to installing, altering, testing or repairing liquid motor fuel storage and dispensing equipment, and flammable or combustible liquid storage systems.

3. notifying the department of any fire, explosion, reportable leak or other release of hazardous material, or other emergency related to the duties of his or her certificate.

114.3 Applications. Applications for new or renewal certificates required by the provisions of this code or the rules shall be made to the commissioner, in such form and detail as the commissioner may prescribe, including such information and documentation as the commissioner may require.

114.4 Minimum qualifications. Applicants for certificates shall comply with the following minimum requirements:

1. Be at least 18 years of age.

2. Have a reasonable understanding of the English language and be able to answer satisfactorily such questions as may be asked of such applicant upon his or her examination.

3. Present such evidence of his or her character and past employment, as may be satisfactory to the commissioner.

4. Present such evidence of his or her qualifications set forth in the rules or the department's notice of examination for such certificate.

5. Pass an examination, administered by the department or other entity, that tests the applicant's knowledge of the code, law, rules and regulations governing the installation, alteration, testing and repair of liquid motor fuel storage and dispensing equipment and systems and flammable and combustible liquid storage systems the precautions and other actions necessary to ensure the proper and safe performance of his or her duties as a certificate holder.

114.5 Investigation. Applicants and their principals are subject to an investigation by the department in connection with their application and their qualifications and fitness for the certificate.

114.6 Fingerprinting. The commissioner may require the fingerprinting and criminal background check of applicants for a certificate for purposes authorized by law.

114.7 Issuance. The commissioner may grant an application for a certificate of license upon a determination that the applicant possesses the qualifications and fitness required for such certificate, as set forth in the code and the rules.

114.7.1 Term of certificate. Every certificate or renewal thereof granted by the commissioner shall be for a period as specified therein, not to exceed 2 years, and shall expire at the end of such period unless the commissioner approves its renewal.

114.7.2 Time for submission of renewal applications. Applicants may apply for renewal during the period from 60 calendar days prior to a certificate's expiration date to not more than 1 year after such date. The commissioner shall not renew certificates that have been expired for more than 1 year. Persons holding such certificates must apply for an original certificate and comply with all of the original certificate requirements.

114.7.3 Renewal. Certificate renewals shall be at the discretion of the commissioner in the interest of public safety based on a review of the certificate holder's qualifications and fitness. The department may review the certificate holder's qualifications and fitness and may require a certificate holder to complete a department-approved continuing education program and/or provide other proof of the holder's continuing qualifications and fitness.

114.8 Expired certificates. It shall be unlawful to engage in the business authorized by a certificate after the term of such certificate has expired.

114.9 Certificate revocation and suspension. The commissioner may, at any time, revoke or suspend a certificate for misconduct or other good cause. The certificate holder shall be afforded notice and an opportunity to be heard prior to any such suspension or revocation except that, in the circumstance of an imminent threat to public safety, such notice and opportunity to be heard may be given promptly after such revocation or suspension.

114.10 Insurance. The commissioner may require certificate holders to obtain and furnish proof of general liability insurance, in such amounts and in accordance with such requirements, as may be set forth in the code or the rules, otherwise required by law, or required as a condition of the certificate issuance. The certificate shall expire by operation of law if any such required insurance lapses, expires or is cancelled during the term of the certificate.

SECTION FC 115
COMPANY CERTIFICATES

115.1 Duties. A certificate holder shall be responsible for the safe manufacturing, storage, handling, use, operation, maintenance, inspection, testing, repair and/or supervision of the activity for which the certificate is required, in accordance with this code, the rules and any other applicable laws, rules or regulations.

115.2 Applications. Applications for new or renewal certificates required by the provisions of this code or the rules shall be made to the commissioner, in such form and detail as the commissioner may prescribe, including such information and documentation as the commissioner may require.

115.3 Minimum qualifications. Applicants and their principals shall submit evidence acceptable to the commissioner of such experience and qualifications as set forth in this code, the rules or the department's notice of examination for such certificate.

115.4 Investigation. Applicants and their principals are subject to an investigation by the department in connection with their application and their qualifications and fitness for the certificate.

115.5 Fingerprinting. The commissioner may require the fingerprinting and criminal background check of applicants for a certificate and their principals.

115.6 Issuance. The commissioner may grant an application for a company certificate upon a determination that the applicant possesses all of the qualifications for such certificate, as set forth in the code and the rules.

115.6.1 Term of certificate. Every certificate or renewal thereof granted by the commissioner shall be for a period as specified therein, not to exceed 2 years, and shall expire at the end of such period unless the commissioner approves its renewal.

115.6.2 Time for submission of renewal applications. Applicants may apply for renewal during the period from 60 calendar days prior to a certificate's expiration date to not more than 1 year after such date. The commissioner shall not renew certificates that have been expired for more than 1 year. Persons holding such certificates must apply for an original certificate and comply with all of the original certificate requirements.

115.6.3 Renewal. Certificate renewals shall be at the discretion of the commissioner in the interest of public safety based on a review of the certificate holder's qualifications and fitness. The department may review the certificate holder's qualifications and fitness and may require a certificate holder to complete a department-approved continuing education program and/or provide other proof of the holder's continuing qualifications and fitness.

115.7 Expired certificates. It shall be unlawful to engage in the business authorized by a certificate after the term of such certificate has expired.

115.8 Certificate revocation and suspension. The commissioner may, at any time, revoke or suspend a certificate for misconduct or other good cause. The certificate holder shall be afforded notice and an opportunity to be heard prior to any such suspension or revocation except that, in the circumstance of an imminent threat to public safety, such notice and opportunity to be heard may be given promptly after such revocation or suspension.

115.9 Misrepresentation as department employees. No person may falsely represent himself or herself to be a member or agent of the department.

115.10 Insurance. The commissioner may require certificate holders to obtain and furnish proof of general liability insurance, in such amounts and in accordance with such requirements, as may be set forth in the code or the rules, otherwise required by law, or required as a condition of the certificate issuance. The certificate shall expire by operation of law if any such required insurance lapses, expires or is cancelled during the term of the certificate.

SECTION FC 116
EXPEDITOR REGISTRATION CERTIFICATES

116.1 Registration. No person may submit, file, request, negotiate or otherwise seek approval of applications for issuance of permits, or other approvals, including approval of design and installation documents, without first having obtained an expeditor registration certificate in

accordance with this section and the rules. It shall be unlawful to hold oneself out to the public or otherwise represent that one is "registered with the fire department," "registered" or make any similar representation in such a manner as to convey the impression that such person is registered with the department unless such person is registered in accordance with this section.

Exceptions: The following persons are exempt from the provisions of this section:

1. Any person or entity making application on his, her or its own behalf. If the applicant is a partnership or corporation, the general partners and principal officers thereof shall be included within this exception. Principal officers of a corporation shall include the president, vice presidents, secretary and treasurer.

2. The occupants of a premises that is the subject of the application, if authorized by the owner to file the application.

3. Registered architects licensed by the New York State Department of Education.

4. Professional engineers licensed by the New York State Department of Education.

5. Attorneys admitted to practice in New York State.

6. Plumbers when such application relates to work performed under their license.

7. Master fire suppression piping contractors licensed by the Commissioner of Buildings, when such application relates to work performed under their license.

8. Master electricians licensed by the Commissioner of Buildings, when such application relates to work performed under their license.

9. Certificate of license holders, when such application relates to work performed under their license.

10. FLS director and FEP coordinator certificate of fitness holders when the application relates to the emergency preparedness plan of the building for which they are registered.

11. Managing agents registered with the New York City Department of Housing Preservation and Development or the New York State Secretary of State.

12. Construction site fire safety managers when the application relates to fire safety at a construction site for which such certificate holder provides supervision.

13. Persons holding a certificate of fitness for professional certification of fire alarm and emergency alarm installations and testing.

116.2 Applications. Applications for new or renewal expeditor registration certificates required by FC 116.1 shall be made to the commissioner, in such form and detail as the commissioner may prescribe, including such information and documentation as the commissioner may require.

116.3 Investigation. Applicants are subject to an investigation by the department in connection with their application and their qualifications and fitness for the certificate.

116.4 Fingerprinting. The commissioner may require fingerprinting and a criminal background check for a certificate for purposes authorized by law.

116.5 Issuance. The commissioner may grant an application for a certificate upon a determination that the applicant possesses all of the qualifications for such certificate, as set forth in the code and the rules, qualifying the applicant to appear before the department to submit, file, request, negotiate or otherwise seek approval of applications for issuance of permits, or other approvals.

116.5.1 Term of certificate. Every certificate or renewal thereof granted by the commissioner shall be for a period as specified therein, not to exceed 2 years, and shall expire at the end of such period unless the commissioner approves its renewal.

116.5.2 Time for submission of renewal applications. Applicants may apply for renewal during the period from 60 calendar days prior to a certificate's expiration date to not more than 1 year after such date. The commissioner shall not renew certificates that have been expired for more than 1 year. Persons holding such certificates must apply for an original certificate and comply with all of the original certificate requirements.

116.5.3 Renewal. Certificate renewals shall be at the discretion of the commissioner in the interest of public safety based on a review of the certificate holder's qualifications and fitness.

116.6 Expired certificates. It shall be unlawful to engage in the business authorized by a certificate when the term of such certificate has expired.

116.7 Certificate revocation and suspension. The commissioner may, at any time, revoke or suspend a certificate for misconduct or other good cause. The certificate holder shall be afforded notice and an opportunity to be heard prior to any such suspension or revocation except that, in the circumstance of an imminent threat to public safety, such notice and opportunity to be heard may be given promptly after such revocation or suspension.

SECTION FC 117
FEES

117.1 Fees. Fees shall be as set forth in FC Appendix A.

117.2 Fee exemptions. Exemptions from department fees shall be in accordance with FC 117.2.1 through 117.2.3.

117.2.1 Permit, inspection and performance test fee exemption. The provisions of this code as to the payment of fees for permits, inspections or witnessing of required system performance tests shall not apply to premises used and owned or operated by a church, corporation or association organized and operated exclusively for religious, charitable or educational purposes that is qualified as an exempt organization pursuant to United States Internal Revenue

Code Section 501(c)(3), provided that no part of the net earnings enures to the benefit of any private shareholder or individual; and provided further, that this exemption shall apply only to such portions of the premises used by such church, corporation or association for religious, charitable or educational purposes.

117.2.2 Individual certificate fee exemption. Employees of the city who submit evidence satisfactory to the commissioner that they require such certificate as a condition of their continued employment with the city shall be exempt from payment of any application, written examination, practical examination and renewal fees. This fee exemption shall not include any required late renewal or fingerprinting fees. Certificate holders converting their certificate from fee-exempt to non-fee-exempt status shall be required to pay all applicable original application, written examination and practical examination fees previously waived.

117.2.3 Company certificate fee exemption. Agencies of the city that require certificates to conduct the business of their agency shall be exempt from payment of certificate fees.

117.3 Penalties and fees for late renewal. Failure to timely render payment of fees for any certificate, permit or other approval issued by the commissioner, or service provided by the department, shall be sufficient grounds for denial of a certificate, permit or other approval or service, or renewal thereof. Fees for late renewal shall be in accordance with FC 117.3.1 through 117.3.2.2.

117.3.1 Late renewal of certificates. In addition to the payment of the renewal fee, any applicant renewing a certificate more than 90 calendar days but less than 1 year after its expiration date shall be subject to a late filing charge of 50 percent of the renewal fee or twenty-five dollars, whichever is greater.

117.3.2 Late renewal of permits. Fees for late permit renewal shall be in accordance with FC 117.3.2.1 and 117.3.2.2, except the commissioner may waive the payment of late filing fees or prior annual fees, or both, upon a determination that the late renewal was caused by circumstances beyond the control of the applicant.

117.3.2.1 Renewal within one year. In addition to the payment of the renewal fee, any applicant renewing a permit more than 90 calendar days but less than 1 year after its expiration date shall be subject to a late filing charge of 50 percent of the renewal fee.

117.3.2.2 Renewal after one year. In addition to the payment of the renewal fee, any applicant renewing a permit later than 1 year after its expiration date shall be subject to a late filing charge of 100 percent of the renewal fee. Such applicant shall be liable also for all the annual fees which should have been paid from the date on which the permit expired to the date on which such permit was renewed.

117.3.3 Late payment of fees for services. All fees for services rendered by the department, including inspections and witnessing of tests, shall be paid within 30 calendar days of receipt of the bill therefor. Any disputes regarding such bill shall be submitted in writing within 20 calendar days of the date of receipt thereof. Failure to timely remit payment shall subject the owner or other person receiving such service to be additionally liable to the department for

interest on the compensation due and owing to the department. Such interest shall be computed for the period from the date of the bill to the date of payment, based on the amount of the bill and the rate of interest set forth in Section 5004 of the New York Civil Practice Law and Rules.

117.4 Liens on property for permit and inspection fees. Liens on property for permit and inspection fees shall be as follows:

1. Any unpaid fee for an inspection performed by the department pursuant to law or rule, any unpaid fee for the issuance or renewal pursuant to this code of a permit to manufacture, store, handle, use or sell hazardous materials or combustible materials, or conduct an operation or maintain a facility on land or in a building specified therein, and any unpaid penalties imposed for late payment of any such renewal fees shall constitute a lien upon the land and buildings upon or in respect to which such inspection was performed, or upon the land and buildings specified in such permit, as hereinafter provided.

2. There shall be filed in the office of the department a record of all fees for inspections performed by or on behalf of the department, all fees for permits to manufacture, store, handle, use or sell hazardous materials or combustible materials, or conduct an operation or maintain a facility on land or in a building issued or renewed by the department, and all penalties for late payment of any such renewal fees imposed by the department. Such records shall be kept on a building by building basis and shall be accessible to the public during normal business hours. An entry of a fee on the records of the department shall constitute notice to all parties.

3. All such unpaid fees shall constitute a lien upon the land and building upon or in respect to which such inspection was performed, or upon the land and buildings specified in such permit, when the amount thereof shall have been definitely computed as a statement of account by the department, and the department shall cause to be filed in the office of the city collector an entry of the account stated in the book in which such charges against the premises are to be entered. Such lien shall have a priority over all other liens and encumbrances except for the lien of taxes and assessments. However, no lien created pursuant to this section shall be enforced against a subsequent purchaser in good faith or mortgagee in good faith unless such transaction occurred after the date of entry of a fee on the records of the department pursuant to FC 117.4(2).

4. A notice thereof, stating the amount due and the nature of the charge, shall be mailed by the city collector, within 5 business days after such entry, to the last known address of the person whose name appears on the records in the office of the city collector as being the owner or agent or as a person designated by the owner to receive tax bills or, where no name appears, to the premises, addressed to either the owner or the agent.

5. If such charge is not paid within 30 calendar days from the date of entry, it shall be the duty of the city collector to receive interest thereon at a rate of 15 percent per annum, to be calculated to the date of payment from the date of entry.

6. Such charges and the interest thereon shall continue to be, until paid, a lien on the premises. Such lien shall be a tax lien within the meaning of Sections 11-319 and 11-401 of the New

York City Administrative Code and may be sold, enforced or foreclosed in the manner provided in Chapters 1, 3 and 4 of Title 11 of the New York City Administrative Code or may be satisfied in accordance with Section 1354 of the New York State Real Property Actions and Proceedings Law.

7. Such notice mailed by the city collector pursuant to this section shall have stamped or printed thereon a reference to this section of this code.

8. In any proceedings to enforce or discharge a lien created pursuant to this section, the validity of the lien shall not be subject to challenge based on the lawfulness of the inspection, or the propriety and accuracy of the fee for which a lien is claimed, except as provided in this section.

9. No such challenge may be made except by the owner of the property, or a mortgagee or lienor whose mortgage or lien would, but for the provisions of this section, have priority over the department's lien.

117.5 Disposition of revenues. All fees, fines and forfeitures and all proceeds of suits for penalties, which may be paid or collected pursuant to this code, shall be paid into the general fund of the city established pursuant to Section 109 of the New York City Charter.