

NEW YORK CITY FIRE DEPARTMENT

Notice of Promulgation of 3 RCNY §11-05,  
entitled "Use of Natural Gas Fired Heaters at Construction Sites"

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN the Fire Commissioner of the City of New York by Section 489 of the New York City Charter and Sections 27-1069 and 27-4010 of the New York City Administrative Code, and in accordance with the requirements of Section 1043 of the New York City Charter, that the New York City Fire Department hereby promulgates a new rule, 3 RCNY §11-05, entitled "Use of Natural Gas Fired Heaters at Construction Sites." The entire rule is underlined to indicate that it is new.

The public hearing was held on March 7, 2002. In accordance with §1043(e)(1) of the New York City Charter, the rule shall take effect on December 1, 2002.

The Notice of Promulgation, Final Rule and Statement of Basis and Purpose will be available on the Fire Department Internet Home Page at:  
[www.nyc.gov/fdny](http://www.nyc.gov/fdny)

A new rule, §11-05 of Title 3 of the Rules of the City of New York, is promulgated, effective December 1, 2002, as follows:

**§11-05 Use of Natural Gas Fired Heaters at Construction Sites**

(a) Applicability

This section applies to the use at construction sites of portable heaters fueled by piped natural gas.

(b) Definitions

For purposes of this section, the following terms shall have the following meanings:

**Natural gas.** A mixture of hydrocarbon gases and vapors, consisting principally of methane in gaseous form.

**Natural gas fired heater.** Any appliance used for the generation of heat that is not permanently installed on the premises under construction and that is connected to, and fueled by, piped natural gas.

**Piped natural gas.** Natural gas supplied by means of piping connected to a public utility.

**Plumber.** A licensed master plumber, as that term is defined by the New York City Building Code (as set forth in New York City Administrative Code §26-141[e]), or a person working under the direct and continuing supervision of a licensed master plumber, as authorized by said code (as set forth in New York City Administrative Code §26-142).

(c) General Prohibitions

(1) It shall be unlawful to store or use a natural gas fired heater at a construction site for human comfort or any other purpose other than construction-related curing and drying.

(2) It shall be unlawful to store or use a natural gas fired heater at a construction site for construction-related curing and drying without a Department permit.

(3) It shall be unlawful to store or use a natural gas fired heater at a construction site where:

(i) any portion of the building under construction is occupied;

(ii) the portion of the building under construction is located within:

(A) 10 feet of any opening in walls of occupied adjacent structures or buildings; or

(B) 50 feet of any building occupied for educational, health care or religious purposes, place of public assembly or other place of public gathering;

(iii) there is no shut-off valve for the piped natural gas service to the building under construction installed outside of the building in accordance with the requirements of Section P115.5 of Reference Standard RS-16 of the New York City Building Code; or

(iv) the natural gas pipe building supply pressure is greater than one-half (1/2) pound per square inch gauge.

(d) Permit Requirements

(1) A permit shall be obtained from the Department prior to any storage or use of natural gas fired heaters at a construction site. The permit shall be issued in the name of the owner of the property, upon application of the owner or a registered architect, professional engineer or contractor on the owner's behalf.

(2) Permit applications shall be filed with the Department's Bureau of Fire Prevention at Fire Department Headquarters. The permit application shall include such information and documentation as the Department may prescribe, including but not limited to a completed application form, and a copy of the work permit issued by the New York City Department of Buildings authorizing the installation of temporary natural gas piping (or other form of Department of Buildings approval acceptable to the Department).

(3) Permits shall be granted for a period of up to one year. The annual permit fee shall be \$210.

(e) Supervision, Inspection and Recordkeeping Requirements

(1) Natural gas fired heaters at a construction site shall be under the personal supervision of a plumber or a person holding a certificate of fitness for such activity whenever such heaters are in use. At all other times, natural gas fired heaters at a construction site shall be under the general supervision of such plumber or certificate of fitness holder.

(2) The plumber or certificate of fitness holder shall periodically inspect all natural gas fired heaters that are in use. Such inspections shall be conducted as frequently as needed to ensure the safe operation of the heaters, considering the nature and location of the curing or drying operation and surrounding activities at the construction site, but in no event less than once every four (4) hours. All natural gas fired heaters that are connected for use but not in use, and all natural gas piping and equipment installed at the construction site, including the outdoor

gas service line shut-off valve, shall be inspected at least once every work day. The plumber or certificate of fitness holder shall ensure that all such appliances, piping and equipment are in a safe condition and proper working order and are otherwise installed, maintained and operated in compliance with the requirements of this section.

(3) A record of all inspections required by this subdivision, including any corrective action taken, shall be made in a bound log book kept at the construction site and made available for inspection by a Department representative.

(f) Natural Gas Piping and Control Valve Requirements. In connection with the use of natural gas fired heaters at construction sites:

(1) Temporary natural gas piping shall comply with all requirements of Section P115.0 of Reference Standard RS-16 of the New York City Building Code.

(2) Temporary natural gas piping shall be installed in such a manner and at such locations as will minimize the risk of damage from the construction activity occurring at the construction site.

(3) Temporary natural gas piping shall be clearly marked "Natural Gas" at least once every 30 feet, and at least once in each room or other separate area.

(4) A shut-off valve shall be installed at each natural gas pipe outlet that is to be used for a natural gas fired heater with a flexible hose connection. A maximum of four (4) heaters may be connected to each such shut-off valve.

(5) All shut-off valves required by this subdivision shall be hand operable and of the quarter-turn type.

(6) All valves required by this subdivision shall be installed in unobstructed locations where they are clearly visible and readily accessible. Access shall be provided to any valve located more than seven (7) feet above floor level by means of a fixed or otherwise stable stair, ladder or platform.

(7) The outdoor gas service line shut-off valve shall be clearly marked with metal tags or in another permanent manner.

(8) Defective gas piping, tubing and fittings (including valves, strainers, filters) shall be replaced and not repaired. An adequate supply of spare parts and material shall be available on the premises for replacement.

(g) Natural Gas Fired Heater Requirements. In connection with the use of natural gas fired heaters at construction sites:

(1) Natural gas fired heaters shall be of a type accepted by the New York City Department of Buildings Division of Materials and Equipment Acceptance or previously approved by the New York City Board of Standards and Appeals,

unless such approval is amended or repealed by the New York City Commissioner of Buildings.

(2) All electrical wiring and equipment associated with the use of natural gas fired heaters shall be installed in conformance with the New York City Electrical Code.

(3) Flexible hoses used for connecting natural gas fired heaters to natural gas pipe outlets:

(i) shall be suitable for natural gas service and of a type designed for a working pressure of not less than three hundred and fifty pounds per square inch;

(ii) shall not exceed 20 feet in length;

(iii) shall be installed with a shut-off valve between the end of the hose and the heater;

(iv) shall not pass through any walls, partitions, ceilings or floors, or any other concealed location;

(v) shall not extend from one room to another, except through an opening where the door has been removed or secured from movement, and shall not be installed in such other manner or at such other locations as would expose the hose to crimping, wear or damage or constitute a falling or tripping hazard;

(vi) shall not be used for any other purpose; and

(vii) shall be maintained in a safe condition.

(4) At least one copy of the manufacturer's operating and maintenance instructions for the natural gas fired heaters shall be readily available at the construction site.

(h) Natural Gas Fired Heater Operating Requirements. In connection with the use of natural gas fired heaters at construction sites:

(1) Natural gas fired heaters:

(i) shall be used only in well-ventilated areas;

(ii) shall be placed on a noncombustible foundation; and

(iii) shall be placed at a safe distance from combustible materials, including combustible building construction, in accordance with the approved use of the natural gas fired heater set forth in the acceptance of the New York City Department of Buildings Division of Materials and Equipment Acceptance or the approval of the New York City Board of Standards and

Appeals, and in accordance with the manufacturer's operating instructions; and

(iv) shall be placed at least 20 feet from flammable liquids, combustible liquids and compressed gas cylinders.

(2) Smoking shall be prohibited within ten (10) feet of any natural gas fired heater in use or connected for use. "NO SMOKING" signs shall be posted conspicuously throughout the areas where smoking is prohibited.

(3) When the curing or drying is to take place within a temporary enclosure, only non-combustible panels, flame-resistant tarpaulins or similar fire-retardant materials shall be used for such enclosure. The enclosure shall be secured from movement by wind or other causes. Natural gas fired heaters shall not be placed closer than ten (10) feet from any surface of the enclosure.

(4) Temporary lighting used in connection with curing or drying operations shall be equipped with heavy duty electrical cords and guards to prevent accidental contact with the bulb. Such lighting shall be removed from the area as soon as they are no longer needed.

(5) A portable combustible gas leak detector shall be readily available on the premises.

(6) At least one portable (1) fire extinguisher having a minimum 20-B:C rating shall be provided on each floor of the construction site at a location not more than 30 feet from where a heater is in use or connected for use. A travel distance of up to 50 feet is allowed if a fire extinguisher having a minimum 40-B:C rating is provided.

(i) Modification

Whenever circumstances, conditions, limitations, or surroundings are unusual, or such as to render it impracticable to comply with any or all of the foregoing provisions, the Commissioner may waive or modify such provisions to such extent as he or she may deem necessary, consistent with public safety.

## STATEMENT OF BASIS AND PURPOSE OF RULE

The use of piped natural gas to fuel heaters on construction sites has become increasingly popular. Such heaters are used for concrete curing, plaster drying and similar applications. Presently, Fire Department rules (3 RCNY §25-01) only regulate the use of liquefied petroleum gases for these purposes. This new rule will require that a permit be obtained from the Fire Department prior to use of piped natural gas at construction sites, and would establish minimum fire safety requirements for such activities.

If any subparagraph, paragraph or subdivision of this section shall be 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 subparagraph, paragraph or subdivision thereof directly involved in the controversy in which such judgment shall have been rendered.