



Legislation Text

File #: Int 2165-2020, **Version:** *

Int. No. 2165

By Council Members Salamanca and Rosenthal

A Local Law in relation to authorizing the use of temporary outdoor heaters by healthcare facilities

Be it enacted by the Council as follows:

Section 1. a. For the purpose of this section, the following terms have the following meanings:

Healthcare facility. The term “healthcare facility” has the same meaning as the term “hospital” as defined in section 2801 of the public health law.

Temporary outdoor heater. The term “temporary outdoor heater” means a freestanding or ceiling- or wall-mounted electric radiant heater, portable radiant heater fueled by piped natural gas, or portable heater fueled by propane liquefied petroleum gas (“LPG”), provided any such heaters must comply with fire department guidance established pursuant to this local law.

b. For the duration of the declared state of emergency pursuant to mayoral executive order number 98, dated March 12, 2020, as amended by subsequent orders, any healthcare facility may operate temporary outdoor heaters to provide comfort to individuals in an outdoor setting who are receiving medical services or waiting to enter a healthcare facility.

c. Use of any temporary outdoor heater as authorized pursuant to this local law shall comply with guidance issued by the fire department and department of transportation. Such guidance shall include but not be limited to the following elements:

1. Safety regulations to mitigate the risk of fire, personal injury or damage to property caused by operation of a temporary outdoor heater;

2. The use of roadways, pedestrian plazas or other public outdoor locations to provide healthcare facilities with meaningful access to outdoor locations for the treatment or queuing of patients; and

3. Accessibility for people with disabilities in compliance with applicable federal, state and local law.

d. As applied to any entity operating a temporary outdoor heater pursuant to authorization of this local law, the following provisions of the New York City Fire Code are suspended:

(1) Section 3805.3(12);

(2) Section FC A01.1(3) of Appendix A;

(3) Section FC A03.1(41) of Appendix A;

(4) Section FC A03.1(46) of Appendix A;

(5) Section FC A03.1(51) of Appendix A; and

(6) Section FC A03.1(52) of Appendix A.

e. The fire department and the department of transportation shall post guidance on its respective website for the use of temporary outdoor heaters as authorized by this local law.

§2. This local law takes effect immediately.

JDK
LS #16451
11/13/2020