

*Construction Code Requirements*  
**DOB GUIDANCE RELATED TO DOT ADOPTED  
RULE DINING OUT NYC PROGRAM**

## BACKGROUND

Pursuant to the Department of Transportation's (DOT) adopted rule relating to the **Dining Out NYC Program** effective March 3, 2024, the Department of Buildings (DOB) issues guidance for Sidewalk & Roadway Cafes (located beyond the property lines), Outdoor Cafes (located within the property lines) and Sidewalk cafes located within a privately-owned portion of sidewalk widening.



PHOTO SOURCE: <https://www.diningoutnyc.info/corner-setup>

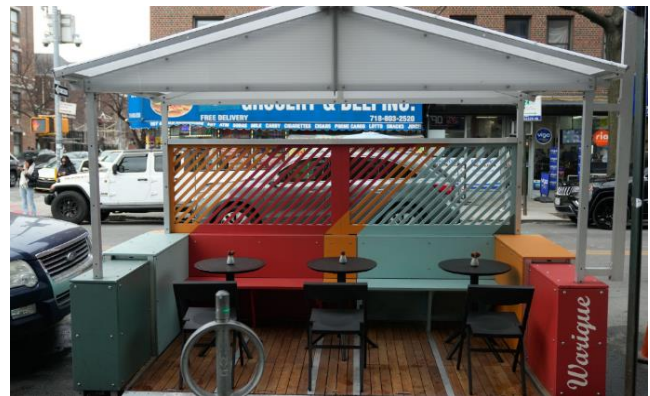


PHOTO SOURCE: <https://www.diningoutnyc.info/mid-block-setup>

## HIGHLIGHTS

- **Seating Capacity.** Seating should be separate, unlawful increase in the occupant capacity within the establishment is prohibited.
- **General Exit and Prohibited Obstructions.** All building exit doors, stairs, and ramps must remain clear and unobstructed. No reduction in widths of aisles, corridors, or entries should take place.
- **Accessibility.** All cafes are subject to the Americans with Disabilities Act (ADA) and, guidelines for accessibility requirements.
- **Electrical Connections.** All electrical work must be filed with DOB. Electrical work must be performed by a licensed master electrician with an approved electrical filing and permit.
- **Electrically Powered Outdoor Radiant Heaters.** The installation of outdoor electric powered radiant heaters must comply with the current NYC Electrical Code.
- **Natural Gas-fired Radiant Heaters.** All gas work located within or beyond the property line must be filed with DOB a few weeks, plus the cost of Department filing fees and potential professional and consultant/filer fees.

Read [Buildings Bulletin 2024-005](#) for more details on the requirements.

Send questions to [constructioncodes@buildings.nyc.gov](mailto:constructioncodes@buildings.nyc.gov).