Application #: _____

OPERATING PERMIT APPLICATION FORM

Part I
Applicant/Building Information

Applicant's Name: _____

Applicant's Address: _____

Contact Person: _____ **Telephone:** _____

Address of Premises for which Operating Permit is requested: ☐ **same as above**

☐ **Other (specify):** _____

Tax Map Number: _____ **Current Occupancy Class:** _____

Part II
Type Operating Permit

An Operating Permit is required to conduct any activity or to use any class of building listed below. **Please indicate the type(s) of Operating Permit(s) requested by checking each applicable box.** (If you require assistance, or would like more information, contact the Town of Harrietstown Building & Planning Department at 518-891-0202

☐ Manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4), of the Fire Code of New York State (see 19 NYCRR Part 1225); ***(See Appendix A.)*** Identify the materials and quantities and describe the manner in which the materials will be manufactured, stored or handled (attach additional sheets if necessary):

_____

_____

☐ Conducting a hazardous process or activity (including but not limited to, any commercial or industrial operation which produces combustible dust as a byproduct, fruit and crop ripening, and waste handling; ***(See Appendix B.)*** Describe the process(es) or activity(ies) to be conducted (attach additional sheets if necessary):

_____

_____

☐ Use of pyrotechnic devices in assembly occupancies; ***(See Appendix C.)*** Describe the proposed use (attach additional sheets if necessary):

_____

_____

☐ Use of a building containing one or more areas of public assembly with an occupant load of 100 persons or more ***(See Appendix D.)*** Describe the proposed use (attach additional sheets if necessary):

_____

_____

OPERATING PERMIT APPLICATION FORM

Part II (continued)

☐ Use of a building whose use or occupancy classification has been determined by Town of Harrietstown Building & Planning Department/Code Enforcement Offcier as posing a substantial potential hazard to public safety. ***(See Appendix E.)*** Describe the proposed use (attach additional sheets if necessary):

_____

_____

Part III
Premises/Building Information

1. Date of last Inspection of Premises? _____

2. Has a Certificate of Occupancy been issued for the premises?

☐ YES ☐ NO Type: ☐ Permanent ☐ Temporary Date of Issuance: _____

3. Date(s) of issuance of previous Certificate(s) of Occupancy? (If any): _____

4. Has a Certificate of Compliance been issued for these Premises?

☐ YES ☐ NO Type: ☐ Permanent ☐ Temporary Date of Issuance: _____

5. Are there currently any open Building Permits associated with the premises? ☐ YES ☐ NO
If yes, please describe (attach additional sheets if necessary):

_____

_____

6. Have any violations to the Uniform Code been issued in relation to the Premises? ☐ YES ☐ NO

If yes, please describe (attach additional sheets if necessary):

_____

_____

7. Have any variances to the Uniform Fire Prevention and Building Code been granted in relation to these premises?

☐ YES ☐ NO If yes please describe (attach additional sheets if necessary): *(Include Variance Decision Number)*

_____

_____

OPERATING PERMIT APPLICATION FORM

Part III (continued)

8. Additional Comments:

_____

_____

SIGNATURE OF APPLICANT

I hereby certify that the foregoing information (and all information in attached sheets, if any) is true and complete.

_____

Signature of Applicant or Authorized Representatives Signature Date

_____

Name (and Title, if applicable of person signing Application (Please print)

Part IV
To be completed by Town of Harrietstown Building & Planning Dept.

Inspection Required ☐ YES ☐ NO

Inspections Performed ☐ YES ☐ NO Date of Inspection: _____

Tests or Reports required to verify compliance? ☐ YES ☐ NO

If YES, have Tests or Reports been received? ☐ YES ☐ NO

Description:

_____

_____

Application(s) Approved: ☐ YES ☐ NO

Operating Permit Issued By: _____

Date Operating Permit Issued: _____ Date Operating Permit Expires: _____

Type/Description of Operating Permit: _____

Conditions of Operating Permit (list conditions here AND in the space provided in the Operating Permit):

_____

Additional Comments:

_____

OPERATING PERMIT APPLICATION
Appendices

Appendix A
Hazardous Materials Storage

An Operating Permit is required when (1) any hazardous material included in any category listed in tables 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4) of the *Fire Code of New York State* is manufactured, stored or handled and (2) the quantity of such hazardous material exceeds the quantity listed in the applicable table. This would include any building that is (whole or in part) a Group H occupancy, is a pre-existing, non-conforming hazardous occupancy, or has outdoor use manufacture, and/or storage of materials that exceed the tables for physical and/or health hazard.

This type of Operating Permit will not be issued until an inspection has been performed and establishes to the satisfaction of Town of Harrietstown Building & Planning Department/Code Enforcement Officer that the requirements of the *Fire Code of New York State* are satisfied. These requirements include the provisions of Chapter 27 of the *Fire Code of New York State* as well as any specialized manufacture, use, storage requirements within Chapters 27-42 of the *Fire Code of New York State*. A previous fire safety inspection cannot suffice for an Operating Permit application inspection. If necessary, tests to verify compliance with the *Fire Code of New York State* must be performed and the reports of such tests must be provided to Town of Harrietstown Building & Planning Department/Code Enforcement Officer. Tests and reports needed to verify compliance with the Fire Code of New York State vary from product to product. Tests and reports may include:

- ❑ Verification of inspection of fire protection systems and emergency alarm systems
- ❑ Verification of inspection of storage cylinders, tanks, or containers
- ❑ Completing of the Hazardous Materials Reporting Form, as required by General Municipal Law 209-u (available from OFPC at http://www.dos.state.ny.us/fire/pdfs/forms/hm209u.pdf)
- ❑ Presentation of Material Safety Data Sheets for the product(s) requiring permits
- ❑ Affidavits that the regulated party is in conformance with other State Agencies (Environmental Conservation, Health, Labor)

OPERATING PERMIT APPLICATION
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Appendix B
Hazardous processes and activities

Commercial or industrial operations producing combustible dust - An Operating Permit is required when a condition or process meets the scoping requirements of Chapter 13 of the *Fire Code of New York State* and is part of a commercial or industrial operation. Chapter 13 references several different standards, based on the products producing dust. The reference standards shall be used and compliance with such standards shall be submitted prior to the issuance of an Operating Permit.

Fruit and Crop Ripening - An Operating Permit is required when a fruit or crop ripening operation meets the scoping requirements of Chapter 16 of the *Fire Code of New York State*. The operating permit will not be issued unless and inspection and/or documented testing demonstrates to the satisfaction of Town of Harrietstown Building & Planning Department/Code Enforcement Officer that the ethylene generators meet the requirements of Section 1606 of the *Fire Code of New York State* and that the appropriate safeguards are in place.

Waste Handling - An Operating Permit is required when waste materials that are considered hazardous are reclaimed, recycled, collected or otherwise handled at the Premises. Examples of uses that trigger the need for this Operating Permit include wrecking yards, auto dismantling facilities, junk yards, hazardous materials recycling facilities, and the like. An inspection must be performed prior to the issuance of this type of Operating Permit; such inspection must confirm compliance with any applicable sections of the *Fire Code of New York State* including the general fire safety practices in Chapter 3 of the *Fire Code of New York State*.

Other Hazardous Processes and Activities - An Operating Permit is required for any other process or activity determined by Town of Harrietstown Building & Planning Department/Code Enforcement Officer to be hazardous. Such processes and activities include, but are not necessarily limited to, the following: [*The Authority Having Jurisdiction should determine which processes and activities are considered hazardous and will trigger the need to obtain an Operating Permit, and those processes and activities should be listed here. Such hazardous processes and activities should be administered consistent with local conditions. Processes and activities that commonly trigger the need to obtain an Operating Permit include use of tents and membrane structures, airports, motor fuel stations, semiconductor facilities, and any other specialized hazard that specifically regulated in Chapters 11-26 of the Fire Code of New York State.*]

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Appendix C
Pyrotechnics in Assembly Occupancies

An Operating Permit is required for use of pyrotechnic devices in any assembly occupancy. [*Although Part 1203, section 1203(g)(1)(iii), requires an operating permit for use of pyrotechnic devices only in assembly occupancies, section 1203 (g)(1)(v) provides that an operating permit must be required for buildings whose use or occupancy is determined by the Authority Having Jurisdiction to pose a substantial potential hazard to public safety. See Appendix E for further information.*]

An inspection must be completed prior to the issuance of this type Operating Permit. The inspection must confirm (1) that all fire protection and life safety features are inspected and have current maintenance within the timeframes set by Section 901 of the *Fire Code of New York State*, (2) the existence and adequacy of fire safety plans and emergency preparedness, and (3) that the means of egress are properly maintained, that interior finishes are appropriate, and that occupancy calculations are correct. [*The required tests and reports should be consistent with the permit procedures found within NFPA 1126. The section in NFPA 1126 regarding permits and the annex material provide guidance for the Authority Having Jurisdiction on what to request. An operating permit should be required for each show or group of shows, and the Premises should be made available for inspection prior to each event.*]

IMPORTANT: Please note that section 280.00 of the Penal Law provides that in the absence of a permit issued by the "permit authority" under section 405.00 of the Penal Law, it is unlawful to offer or expose for sale, to sell or furnish, or to possess, use, explode or cause to explode, any "fireworks" or "dangerous fireworks." **Most pyrotechnic devices fall within the definition of "fireworks" or "dangerous fireworks" under section 270.00 of the Penal Law.**

Section 405.00 of the Penal Law provides that the "permit authority" of a state park, county park, city, village or town may grant a permit for the public display of fireworks by municipalities, fair associations, amusement parks or organizations of individuals. For a fireworks display within a state park, the term "permit authority" means the state agency having custody and control of the park. For a fireworks display within a county park, the term "permit authority" means the county park commission or such other agency as may have jurisdiction, control and/or operation of the parks or parkways within which any fireworks are to be displayed. For a fireworks display within a city, the term "permit authority" means the duly constituted licensing agency of such city or, in the absence of such agency, an officer designated for the purpose by the legislative body of the city. For a fireworks display within a village, the term "permit authority" means an officer designated for the purpose by the board of trustees of the village. For a fireworks display within the territory of a town outside of villages, the term "permit authority" means an officer designated for the purpose by the town board of the town.

AN OPERATING PERMIT FOR THE USE OF PYROTECHNIC DEVICES IN AN ASSEMBLY OCCUPANCY IS *NOT* A PENAL LAW SECTION 405.00 PERMIT. OBTAINING AN OPERATING PERMIT FOR THE USE OF PYROTECHNIC DEVICES IN AN ASSEMBLY OCCUPANCY DOES *NOT* OBVIATE THE NEED TO OBTAIN A PENAL LAW SECTION 405.00 PERMIT. AN OPERATING PERMIT FOR USE OF PYROTECHNIC DEVICES IN AN ASSEMBLY OCCUPANCY DOES *NOT* MAKE LEGAL ANY ACT PROHIBITED BY PENAL LAW SECTION 270.00.

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Appendix D
Places of Public Assembly with an occupant load of 100 or more persons

An Operating Permit is required for any place of public assembly that has an occupant load of at least 100 persons. This Operating Permit is required to ensure that life safety and fire protection systems are maintained to the applicable requirements. [*The Town of Harrietstown Building & Planning Department/Code Enforcement Officer should determine the appropriate duration of an operating permit for places of public assembly. Depending on the nature of the occupancy, it may be appropriate to limit the duration of the operating permit to a relatively short period, and to require the applicant to apply for a new permit, and to undergo a new inspection, on a relatively frequent basis.*]

An inspection must be completed prior to the issuance of this type Operating Permit. The inspection (and any tests and reports which may be required) must confirm (1) that all fire protection and life safety features are inspected and have current maintenance within the timeframes set by Section 901 of the *Fire Code of New York State*, (2) the existence and adequacy of fire safety plans and emergency preparedness, and (3) that the means of egress are properly maintained, that interior finishes are appropriate, and that occupancy calculations are correct.

Appendix E
[Optional]

Uses and Occupancy Classifications determined by *Town of Harrietstown Building & Planning Department/Code Enforcement Officer* to pose a substantial potential hazard to public safety

Town of Harrietstown Building & Planning Department/Code Enforcement Officer may establish Uses and Occupancy Classifications that pose potential hazard to public safety. If Authority Having Jurisdiction establishes such uses and occupancy classifications, the Authority Having Jurisdiction should provide a list, with a brief description, under this appendix E.]