



# 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 [Village of Fonda](#) at [518-853-4335](tel:518-853-4335))

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):  
\_\_\_\_\_  
\_\_\_\_\_

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## Part II (continued)

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Use of a building whose use or occupancy classification has been determined by Village of Fonda NYS Building and Fire Code Enforcement Officer as posing a substantial potential hazard to public safety. **(See Appendix E.)** Describe the proposed use (attach additional sheets if necessary):

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\_\_\_\_\_

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## Part III Premises/Building Information

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1. Date of last Inspection of Premises? \_\_\_\_\_

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

YES      Type:    Permanent    Temporary      Date of Issuance: \_\_\_\_\_  
 NO

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      Type:    Permanent    Temporary      Date of Issuance: \_\_\_\_\_  
 NO

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)*

\_\_\_\_\_  
\_\_\_\_\_

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## Part III (continued)

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8. Additional Comments:

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### 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)

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### Part IV

To be completed by *Village of Fonda NYS Building and Fire Code Enforcement Officer*

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:

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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):

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Additional Comments:

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*Village of Fonda NYS Building and Fire Code Enforcement Office*

## OPERATING PERMIT

This Operating Permit must be displayed at Premises

Application #: \_\_\_\_\_

Applicant's Name: \_\_\_\_\_

Applicant's Address: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Telephone: \_\_\_\_\_

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

Other (specify): \_\_\_\_\_

Date of issuance: \_\_\_\_\_, 20\_\_\_\_ Expiration Date: \_\_\_\_\_, 20\_\_\_\_

This Operating Permit is issued to the Applicant named above to conduct the activity(ies) and/or to use the class(es) of buildings indicated below at the Premises specified above:

- 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); as described in the Application.
- Conducting a hazardous process or activity; as described in the Application.
- Use of pyrotechnic devices in assembly occupancies; as described in the Application.
- Use of a building containing one or more areas of public assembly with an occupant load of 100 persons or more; as described in the Application.
- Use of a building whose use or occupancy classification has been determined by [Village of Fonda NYS Building and Fire Codes Enforcement Officer](#) as posing a substantial potential hazard to public safety; as described in the Application.

The conditions, surroundings and arrangements for the activity(ies) and/or use(es) subject to this Operating Permit shall be in accordance with all applicable laws, ordinances, regulations and the conditions (if any) mentioned below. The Premises shall be subject to periodic inspection by [Village of Fonda NYS Building and Fire Codes Enforcement Officer](#) to ensure compliance with applicable all applicable laws, ordinances, regulations and conditions. The Operating Permit is subject to revocation for failure to comply with any applicable law, ordinance, regulation or condition. This Operating Permit shall expire on the earlier of the Expiration Date specified above or on the date of revocation pursuant to the preceding sentence. CONDITIONS (continue on attached sheets, if necessary):

\_\_\_\_\_  
[Village of Fonda NYS Building and Fire Codes Enforcement Officer](#)

By: \_\_\_\_\_

Name/Title \_\_\_\_\_

# OPERATING PERMIT APPLICATION

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### 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.

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This type of Operating Permit will not be issued until an inspection has been performed and establishes to the satisfaction of [Village of Fonda NYS Building and Fire Codes 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 [Village of Fonda NYS Building and Fire Codes 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)

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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.

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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 an inspection and/or documented testing demonstrates to the satisfaction of [Village of Fonda NYS Building and Fire Codes 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*.

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Other Hazardous Processes and Activities - An Operating Permit is required for any other process or activity determined by [Village of Fonda NYS Building and Fire Codes Enforcement Officer](#) to be hazardous. Such processes and activities include, but are not necessarily limited to, the following:

*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 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.

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

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#### **Uses and Occupancy Classifications determined by Village of Fonda NYS Building and Fire Codes Enforcement Officer to pose a substantial potential hazard to public safety**

*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.*



**PERMIT FOR PUBLIC DISPLAY OF FIREWORKS  
(NON-TRANSFERABLE)**

According to NYS Penal Law Article 405 (2) the following information is to be provided BEFORE a permit can be issued. Please complete and return to the Village Office at least ONE WEEK BEFORE the display date. Failure to do so will result in severe penalties.

Diagram of grounds on which the display is to be held showing the point at which the fireworks are to be discharged, the location of all buildings, highways and other lines of communication, the lines behind which the audience will be restrained and the location of all nearby trees, telegraph or telephone lines or other overhead obstructions.

Please be advised: the actual point at which the fireworks are to be fired shall be at least 200' (feet) from the nearest permanent building, public highway or railroad or other means of travel and at least 50' (feet) from the nearest above ground telephone or telegraph line, tree or other overhead obstructions, the audience at such display shall be restrained behind lines at least 150' (feet) from the point at which the fireworks are discharged and only persons in active charge of the display shall be allowed inside these lines, that all fireworks that fire a projectile shall be so set up that the projectile will go into the air as nearly as possible in a vertical direction unless such fireworks are to be fired from the shore of a lake or other large body of water, when they may be directed in such manner that the falling residue from the deflagration will fall into such lake or body of water, that any fireworks that remain unfired after the display is concluded shall be immediately disposed of, that no fireworks display shall be held during any wind storm in which the wind reaches a velocity of more than 30 MPH, that all persons in actual charge of firing the fireworks shall be over the age of 18, competent and physically fit for the task, that there shall be at least 2 such operators constantly on duty during the discharge and that at least 2 sodaacid or other approved type fire extinguishers of at least 2 1/2 gallon capacity each shall be kept at as widely separated points as possible within the actual area of display.



Application Date: \_\_\_\_\_

**(A) Sponsor of the show**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Contact Person: \_\_\_\_\_

**Display Company**

Company Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Contact Person: \_\_\_\_\_

NYS Dept. of Labor Explosives Licence# \_\_\_\_\_ Expires: \_\_\_\_\_

**Operator - Name of the certified pyrotechnician who will be in charge of the display**

Name	Certificate #	Expires
_____	_____	_____

**Authorized Assistants:** Names of the individuals who are authorized by the operator to work on the show, identified either by their certificate number and expiration date, if they are certified, or by their age and phone number, if they are not certified.

Name	Certificate# / Age	Expires / Phone
_____	_____	_____
_____	_____	_____
_____	_____	_____

(Continue on a separate sheet, if necessary).

**(B) Display Date/Time:** \_\_\_\_\_ **Expected Duration:** \_\_\_\_\_

**(C) Display Location:** \_\_\_\_\_

**(D) Display Content:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**(E) How will fireworks be stored prior to display:** \_\_\_\_\_

**(F) Rain Date for display:** \_\_\_\_\_

- (G) If rained out how will fireworks be stored: \_\_\_\_\_
- (H) For outdoor displays not before a proximate audience, attach a diagram of the area where the display will take place, showing location where the fireworks will be discharged from, the location of, and distance to: all the buildings, highways, lines of communications, location of the audience, trees, overhead obstructions or other structures or devices that could be affected by the display or fallout from it.
- (I) Proof of Insurance or Bond (Minimum One Million Dollars). Please attach a copy of the policy certificate or other proof of insurance or Bond.
- (J) For Indoor displays, in addition to the information provided above, include a written plan for how you intend to use the pyrotechnics as required by the New York State Penal Law 405.10. That plan shall be submitted at least five days prior to the performance and include:
- In addition to the State Licenses and Certificates already included in this application, proof of Federal ATF Licenses if required,
  - Proof of experience of the pyrotechnician in charge,
  - Proof of experience with the types of devices being used and a description of duties of any authorized assistants,
  - Point of assembly of the pyrotechnic devices,
  - Manner and place of storage of the pyrotechnic materials and devices,
  - Material Safety Data Sheets (MSDS) for the pyrotechnic materials to be used,
  - Certification that set, scenery, and rigging materials are inherently flame-retardant or have been treated to achieve flame retardancy,
  - Certification that all materials worn by performers in the fallout area during the use of pyrotechnic effects are inherently flame-retardant or have been treated to achieve flame retardancy,
  - For indoor displays attach a diagram of the area where the display will take place, showing location where the fireworks will be discharged from, the location of, and distance to the audience, the location of sprinklers and the fallout radius for each pyrotechnic device used,
  - A copy of the approved permit and plan shall be kept on site and available for review,
  - Any significant changes to the plan shall be approved prior to the performance.
- (K) I attest that the information contained in this permit application is accurate, true and complete to the best of my knowledge, and I understand that false statements made in this permit application are subject to the applicable versions of the NYS Penal Law.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

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(for office use only)

\_\_\_\_\_ APPROVED License# \_\_\_\_\_ issued on \_\_\_\_/\_\_\_\_/\_\_\_\_ for a period of time indicated herein of \_\_\_\_/\_\_\_\_/\_\_\_\_ and expires on \_\_\_\_/\_\_\_\_/\_\_\_\_.

\_\_\_\_\_ DENIED Reason: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date