

# OPERATING PERMIT APPLICATION

## Appendices

### Appendix A

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#### Hazardous Materials Storage

An Operating Permit is required when (1) any hazardous material included in any category listed in Tables 5003.1.1(1); 5003.1.1(2); 5003.1.1 (3); 5003.1.1(4) of the Fire Prevention 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 the Town of North Castle, NY that the requirements of the 2020 *Fire Code of New York State* are satisfied. These requirements include the provisions of Chapter 50 through 67 of the 2020 *Fire Code of New York State* as well as any specialized manufacture, use, storage requirements within Chapters 20-29 of the 2020 *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 2020 *Fire Code of New York State* must be performed and the reports of such tests must be provided to the Town of North Castle, NY. 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 22 of the 2020 *Fire Code of New York State* and is part of a commercial or industrial operation. Section 2204 Additional Requirements 2204.1 Specific hazards standards, table 2204.1 references several NFPA 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 25 of the 2020 *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 the Town of North Castle, New York that the ethylene generators meet the requirements of Section 2506 of the 2020 *Fire Code of New York State* and that the appropriate safeguards are in place.

Other Hazardous Processes and Activities - An Operating Permit is required for any other process or activity determined by the Town of North Castle, New York 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 20 through 40 of the 2020 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. 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 Chapter 9 Section(s) 901 (General) thru 917 of the 2020 *Fire Code of New York State*,
- (2) The existence and adequacy of fire safety plans and emergency preparedness..
- (3) 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 50 or more persons**

An Operating Permit is required for any place of public assembly that has an occupant load of at least 50 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 Chapter 9 Section(s) 901 thru 917 of the 2020 *Fire Code of New York State*,
- (2) The existence and adequacy of fire safety plans and emergency preparedness.
- (3) that the means of egress are properly maintained, that interior finishes are appropriate, and that occupancy calculations are correct.

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### Appendix E

#### Parking Garages

1203.3 (J) Condition assessments – general requirements. The owner or operator of each parking garage shall cause such parking garage to undergo an initial condition assessment as described in section 1203.3 (j)(4), periodic condition assessments as described in section 1203.3 (j)(5), and such additional condition assessments as may be required under section 1203.3 (j)(6). Each condition assessment shall be conducted by or under the direct supervision of a responsible professional engineer. A written report of each condition assessment shall be prepared and provided to the authority having jurisdiction, in accordance with the requirements of section 1203.3 (j)(7). Before performing a condition assessment (other than the initial condition assessment) of a parking garage, the responsible professional engineer for such condition assessment shall review all available previous condition assessment reports for such parking garage.

(4) Initial condition assessment. Each parking garage shall undergo an initial condition assessment as follows:

(i) Parking garages constructed on or after August 29, 2018, shall undergo an initial condition assessment following construction and prior to a certificate of occupancy or certificate of compliance being issued for the structure.

(ii) Parking garages constructed prior to August 29, 2018, shall undergo an initial condition assessment as follows:

(a) if originally constructed prior to January 1, 1984, then prior to October 1, 2019;

(b) if originally constructed between January 1, 1984 and December 31, 2002, then prior to October 1, 2020; and

(c) if originally constructed between January 1, 2003 and August 28, 2018, then prior to October 1, 2021.

(5) Periodic condition assessments. Following the initial condition assessment of a parking garage, such parking garage shall undergo periodic condition assessments at intervals not to exceed the lesser of:

(i) three years; or

(ii) at such shorter period as may be fixed by the authority having jurisdiction in its code enforcement program.

(6) Additional condition assessments.

(i) If the latest condition assessment report for a parking garage includes a recommendation by the responsible professional engineer that an additional condition assessment of such parking garage, or any portion of such parking garage, be performed before the date by which the next periodic condition assessment would be required under section 1203.3 (j)(5), the authority having jurisdiction shall require the owner or operator of such parking garage to cause such parking garage (or, if applicable, the portion of such parking garage identified by the responsible professional engineer) to undergo an additional condition assessment no later than the date recommended in such condition assessment report.

(ii) If the authority having jurisdiction becomes aware of any new or increased deterioration which, in the judgment of the authority having jurisdiction, indicates that an additional condition assessment of the entire parking garage, or of the portion of the parking garage affected by such new or increased deterioration, should be performed before the date by which the next periodic condition assessment would be required under section 1203.3 (j)(5), the authority having jurisdiction shall require the owner or operator of such parking garage to cause such parking garage (or, if applicable, the portion of the parking garage affected by such new or increased deterioration) to undergo an additional condition assessment no later than the date determined by the authority having jurisdiction to be appropriate.

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### **Appendix E**

#### **Parking Garages (Continued)**

(7) Condition assessment reports. The responsible professional engineer shall Prepare, or directly supervise the preparation of, a written report of each condition assessment, and shall submit such condition assessment report to the authority having jurisdiction within such time period as fixed by the authority having jurisdiction. Such condition assessment report shall be sealed and signed by the responsible professional engineer, and shall include:

(i) an evaluation and description of the extent of deterioration and conditions that cause deterioration that could result in an unsafe condition or unsafe structure;

(ii) an evaluation and description of the extent of deterioration and conditions that cause deterioration that, in the opinion of the responsible professional engineer, should be remedied immediately to prevent an unsafe condition or unsafe structure;

(iii) an evaluation and description of the unsafe conditions; (iv) an evaluation and description of the problems associated with the deterioration, conditions that cause deterioration, and unsafe conditions;

(v) An evaluation and description of the corrective options available, including the recommended timeframe for remedying the deterioration, conditions that cause deterioration, and unsafe conditions;

(vi) an evaluation and description of the risks associated with not addressing the deterioration, conditions that cause deterioration, and unsafe conditions;

(vii) the responsible professional engineer's recommendation regarding preventative maintenance;

(viii) except in the case of the report of the initial condition assessment, the responsible professional engineer's attestation that he or she reviewed all previously prepared condition assessment reports available for such parking garage, and considered the information in the previously prepared reports while performing the current condition assessment and while preparing the current report; and

(ix) the responsible professional engineer's recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed. In making the recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed, the responsible professional engineer shall consider the parking garage's age, maintenance history, structural condition, construction materials, frequency and intensity of use, location, exposure to the elements, and any other factors deemed relevant by the responsible professional engineer in his or her professional judgment.