

# Town of Yorktown, NY

Fire Inspector, Building Department  
363 Underhill Ave.  
Yorktown Heights, NY 10598  
(914) 962-5722x254

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

## OPERATING PERMIT APPLICATION FORM

Page 1 of 4

---

### Part I Applicant/Building Information

---

Applicant's (Business) Name: \_\_\_\_\_

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

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

Address of Premises for which Operating Permit is requested:

Same as above

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

---

### 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 Yorktown Fire Inspector at (914) 962-5722x233.

- 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:  
\_\_\_\_\_  
\_\_\_\_\_
- Chapter 22, "Combustible Dust-Producing Operations". Facilities where the operation produces combustible dust. See Appendix B
- Chapter 24, Flammable Finishes". Operations utilizing flammable or combustible liquids, or the application of combustible powders regulated by Chapter 24 of the FCNYS;
- Chapter 25, Fruit and Crop Ripening". Operating a fruit or crop ripening facility or conducting a fruit ripening process using ethylene gas. See Appendix B;
- Chapter 32, "High-Piled Combustible Storage". High-piled combustible storage facilities with more than 500 square feet (including aisles) of high piled storage.
- Chapter 34, "Tire Rebuilding and Tire Storage". Operating a facility that stores in excess of 2,500 cubic feet of scrap tires or tire byproducts or operating a tire rebuilding plant.
- Chapter 40, "Sugarhouse Alternative Activity Provisions". Conducting an alternative activity at a sugarhouse,
- Chapter 56, "Explosives and Fireworks". Possessing, manufacturing, storing, handling, selling, or using explosives, fireworks and other pyrotechnic special effects materials except the outdoor use of sparkling

devices as defined by Penal Law 270;

- Chapter 3, Section 307, "Open Burning, Recreational Fires and Portable Fireplaces". Conducting open burning, not including recreational fires and portable out door fireplaces;
- Chapter 3, Section 308, "Open Flames" Removing paint with a torch, or open flames, fire and burning in connection with assembly areas or educational occupancies;
- Use of a building containing one or more areas of public assembly with an occupant load of 50 persons or more (**See Appendix D.**) Describe the proposed use:  
\_\_\_\_\_  
\_\_\_\_\_
- Chapter 3, Section 319, "Mobile Food Preparation Vehicles" Operating a mobile food preparation vehicle.
- Chapter 31, section 3106, Outdoor events where the planned attendance exceeds 1,000 persons.

Town of Yorktown, NY

---

**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 III**  
**To be completed by the Town of Yorktown Fire Inspector**

Inspection Required     YES             NO

Inspections Performed     YES            Date of Inspection: \_\_\_\_\_  
                                           NO

Tests or Reports required to verify compliance?     YES             NO

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

(Page 3 of 4)

### 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 the Town of Yorktown Fire Inspector 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 the Town of Yorktown Fire Inspector. 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)

### 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 the Town of Yorktown Fire Inspector 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 Yorktown Fire Inspector to be hazardous. Such processes and activities include, but are not necessarily limited to, the following: Dry Cleaning, Flammable Finishes, Semiconductor Fabrication Facilities, Lumber Yards and Woodworking Facilities, Motor Fuel-Dispensing Facilities and Repair Garages, High-Piled Combustible Storage, Tents, Canopies and Other Membrane Structures, Tire Rebuilding and Tire Storage, Welding and other Hot Work, Compressed Gases, Explosives and Fireworks and Liquefied Petroleum Gases.

## **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 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.

**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 OBIVATE 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.**

## **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 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.