



Village of Mount Morris

117 Main Street, Mount Morris, NY 14510
Building Zoning Permits/Code Enforcement

OPERATING PERMIT APPLICATION

Application #: _____

Part I Applicant/Building Information

Applicant's Name: _____

Applicant's Address: _____

Contact Person: _____ Telephone: _____

Email: _____

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 Mount Morris, Code Enforcement Officer.)

- 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):

- Use of a building whose use or occupancy classification has been determined by *the Village of Mount Morris, Code Enforcement Office* 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 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)*

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 Village Code Enforcement Officer**

Inspection Required YES NO

Inspections Performed YES Date of Inspection: _____
 NO

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:

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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.

This type of Operating Permit will not be issued until an inspection has been performed and establishes to the satisfaction of Village of Mount Morris, Code Enforcement Office 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 Village of Mount Morris, Code Enforcement Office. 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.

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 Village of Mount Morris, Code Enforcement Office 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 the Village of Mount Morris, Code Enforcement Office to be hazardous. Such processes and activities include, but are not necessarily limited to, the following: *[Village of Mount Morris, Code Enforcement Office 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 Village of Mount Morris, Code Enforcement Office 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 Village of Mount Morris, Code Enforcement Office 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* OBTVIATE 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. *[Village of Mount Morris, Code Enforcement Office 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 Village of Mount
Morris, Code Enforcement Office to pose a substantial potential hazard to
public safety**

[The Village of Mount Morris, Code Enforcement Office may establish Uses and Occupancy Classifications that pose potential hazard to public safety. If the Village of Mount Morris, Code Enforcement Office establishes such uses and occupancy classifications, the Village of Mount Morris, Code Enforcement Office should provide a list, with a brief description, under this appendix E.]

APPLICATION IS HEREBY MADE to the Code Enforcement Officer pursuant to the Zoning Ordinances of the Village of Mount Morris. The applicant agrees to comply with all the applicable laws, ordinances and regulations.

RESPONSIBLE FOR ANY CONSULTANT FEES
(Village Engineer, Village Attorney, etc.) incurred during the application process.

Please note that the **Property Owner** is responsible for all consultant fees during the review of this application including Legal, Engineering, Code Enforcement Review or other outside consultants. Applications submitted to the Mount Morris Joint Planning Board will normally receive chargeback fees for planning services including intake, project review, resolution preparation, SEQR, and findings of fact. PLEASE NOTE that the number of hours will be SIGNIFICANTLY INCREASED due to incomplete applications, plans lacking detail, or repeated continuations. Subdivision applications and larger commercial or industrial projects traditionally require more hours of Engineering, Legal, and other consultant review and preparation and will incur higher costs.

Applications for new construction may be referred to the Village Engineer for engineering review. The **Property Owner** will also be responsible for legal fees for applications submitted to the Mount Morris Joint Planning Board, Zoning Board of Appeals, or the Village of Mount Morris Code Enforcement Office. Fees for engineering and legal expenses traditionally range between one hundred and two hundred fifty dollars per hour. A copy of the Villages’ annual fee schedule is available upon request from the Code Enforcement Office or the Village Clerk’s Office. The **Property Owner’s** signature below indicates that the **Property Owner** understands that the **Property Owner** will be responsible for all outside consultant fees incurred as a result of the submitted application, and consents to these charges. Additionally, projects approved by the Mount Morris Joint Planning Board may be required to pay a parks and recreation fee as established by the Village Board (currently \$100 per unit) if required as part of the conditions of approval.

The property owner represents and agrees as a condition to the issuance of these permits that the development will be accomplished in accordance with the Village Zoning and the New York State Uniform Fire Prevention and Building Code and the plans and specifications annexed hereto.

Property Owner Signature: _____ Date: _____

The undersigned hereby makes this application pursuant to the Code of the Village of Mount Morris and affirms that the information furnished by the undersigned in support of this application is true and correct to the best of my knowledge. All work in connection with the proposed project will comply with all applicable laws and ordinances whether specified herein or not. The granting of a permit for this project does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction, land use or the performance of construction. The undersigned hereby acknowledges that it is his/her responsibility to acquire, read, and understand the requirements relating to this application and project and hereby certify that he/she has done so. **The undersigned further acknowledges that he/she is aware of the inspection requirements relating to this permit and acknowledge that proceeding with or continuing construction without first obtaining the necessary inspections may result in the undersigned having to remove the work that was completed in order to obtain an inspection, solely at his/her liability and expense.**

Property Owner Signature: _____ Date: _____
(I certify that all information is true and correct.)

Print Property Owner Name: _____

Applicant Signature: _____ Date: _____
(I certify that all information is true and correct.)

Print Applicant Name: _____

N.Y. Penal Law 210.45 – Making a Punishable False Written Statement. A person is guilty of making a punishable false written statement when he knowingly makes a false statement, which he does not believe to be true, in a written instrument bearing a legally authorized form notice to the effect that false statements made therein are punishable.

Making a punishable false written statement is a class A misdemeanor. Upon conviction of a Class “A” misdemeanor, a court may sentence an individual to a maximum of one year in jail or three (3) years probation. In addition, a fine of up to \$1,000 or twice the amount of the individual’s gain from the crime may be imposed.

Note: Property Owner **must** be the same as that which is listed in the most recent Official Tax Roll of the Village of Mount Morris. If the Property Owner is different from the Tax Roll, documentation certifying this discrepancy must be submitted with this Application.

Please DO NOT send payment with this application. Payment shall not be made until the (Non-refundable) fee is determined by the Code Enforcement Office.

This Application has been reviewed by:

(Signature of Building/Code Officer) Date: _____

Final Approval Granted by the Joint Planning Board: Date: _____
(Date Approved)

(Signature of Joint Planning Board Chair) Date: _____
(Date)

COMPLETE Application
Received Date: _____
By: _____

OFFICE USE ONLY:
Zoning Officer: _____
(Non-refundable) Fee Due: _____ Check: _____ Cash: _____
Receipt #: _____ Permit No: _____