



Operational Permits required supplemental to Construction Permits

Effective Date: January 1, 2023

In addition to the **Required Construction Permits** which have been issued as a result of approved review, **Operational Permits** are often required as well.

105.5 Required operational permits. The fire code official is authorized to issue operational permits for the operations set forth in Sections 105.5.1 through 105.5.54 of the 2022 California Fire Code (CFC) and modified by San Jose Municipal Code by Local Ordinance.

The following Operational Permits are issued by the San Jose Fire Department upon Certificate of Occupancy being granted.

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| Types of Required Operational Permits: |
| 105.5.1 Additive manufacturing. An operational permit is required to conduct additive manufacturing operations regulated by Section 320.3. |
| 105.5.2 Aerosol products. An operational permit is required to manufacture, store or handle an aggregate quantity of Level 2 or Level 3 aerosol products, aerosol cooking spray products or plastic aerosol 3 products in excess of 500 pounds (227 kg) net weight. |
| 105.5.3 Amusement buildings. An operational permit is required to operate a special amusement building. |
| 105.5.4 Aviation facilities. An operational permit is required to use a Group H or Group S occupancy for aircraft servicing or repair and aircraft fuel-servicing vehicles. Additional permits required by other sections of this code include, but are not limited to, hot work, hazardous materials and flammable or combustible finishes. |
| 105.5.5 Carnivals and fairs. An operational permit is required to conduct a carnival or fair. |
| 105.5.6 Cellulose nitrate film. An operational permit is required to store, handle or use cellulose nitrate film in a Group A occupancy. |
| 105.5.7 Combustible dust-producing operations. An operational permit is required to operate a grain elevator, flour starch mill, feed mill, or a plant pulverizing aluminum, coal, cocoa, magnesium, spices or sugar, or other operations producing combustible dusts as defined in Chapter 2. |
| 105.5.8 Combustible fibers. An operational permit is required for the storage and handling of combustible fibers in quantities greater than 100 cubic feet (2.8 m ³). Exception: A permit is not required for agricultural storage. |
| 105.5.9 Compressed Gases. An operational permit is required for the storage, use or handling at normal temperature and pressure (NTP) of compressed gases in excess of the amounts listed in Table 105.5.9. See Table 105.5.9 of the 2022 CFC. Exception: Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle. |
| 105.5.10 Covered and open mall buildings. An operational permit is required for: <ol style="list-style-type: none"> 1. The placement of kiosks, retail fixtures and displays, concession equipment, displays of highly combustible goods and similar items in the mall. (SJ Muni Code Ordinance) 2. The display of liquid- or gas-fired equipment in the mall. 3. The use of open-flame or flame-producing equipment in the mall. 4. The use of a covered mall as a place of assembly. (SJ Muni Code Ordinance) |
| 105.5.11 Cryogenic fluids. An operational permit is required to produce, store, transport on site, use, handle or dispense cryogenic fluids in excess of the amounts listed in Table 105.5.11. See Table 105.5.11 of the 2022 CFC. Exception: Permits are not required for vehicles equipped for and using cryogenic fluids as a fuel for propelling the vehicle or for refrigerating the lading. |
| 105.5.12 Cutting and welding. An operational permit is required to conduct cutting or welding operations within the jurisdiction. |
| 105.5.13 Dry cleaning. An operational permit is required to engage in the business of dry cleaning or to change to a more hazardous cleaning solvent used in existing dry cleaning equipment. |
| 105.5.14 Energy storage systems. An operational permit is required for stationary and mobile energy storage systems regulated by Section 1207. |

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| <p>105.5.15 Exhibits and trade shows. An operational permit is required to operate exhibits and trade shows.</p> |
| <p>105.5.16 Explosives. An operational permit is required for the manufacture, storage, handling, sale or use of any quantity of explosives, explosive materials, fireworks or pyrotechnic special effects within the scope of Chapter 56. See Health and Safety Code Division 11, Part 1, Sections 12000, et seq. for additional requirements.</p> <p>Exception: Storage in Group R-3 occupancies of smokeless propellant, black powder and small arms primers for personal use, not for resale and in accordance with Section 5606.</p> |
| <p>105.5.17 Fire hydrants and valves. An operational permit is required to use or operate fire hydrants or valves intended for fire suppression purposes that are installed on water systems and provided with ready access from a fire apparatus access road that is open to or generally used by the public.</p> <p>Exception: A permit is not required for authorized employees of the water company that supplies the system or the fire department to use or operate fire hydrants or valves.</p> |
| <p>105.5.18 Flammable and combustible liquids. An operational permit is required for multiple conditions. See 2022 CFC.</p> <ol style="list-style-type: none"> 1. To use or operate a pipeline for the transportation within facilities of flammable or combustible liquids. This requirement shall not apply to the offsite transportation in pipelines regulated by the Department of Transportation (DOTn) nor does it apply to piping systems. 2. To store, handle or use Class I liquids in excess of 5 gallons (19 L) in a building or in excess of 10 gallons (37.9 L) outside of a building, except that a permit is not required for the following: <ol style="list-style-type: none"> 2.1. The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant, unless such storage, in the opinion of the fire code official, would cause an unsafe condition. 2.2. The storage or use of paints, oils, varnishes or similar flammable mixtures where such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days. 3. See 2022 CFC for additional conditions. |
| <p>105.5.19 Floor finishing. An operational permit is required for floor finishing or surfacing operations exceeding 350 square feet (33 m²) using Class I or Class II liquids.</p> |
| <p>105.5.20 Fruit and crop ripening. An operational permit is required to operate a fruit- or crop-ripening facility or conduct a fruit-ripening process using ethylene gas.</p> |
| <p>105.5.21 Fumigation and insecticidal fogging. An operational permit is required to operate a business of fumigation or insecticidal fogging, and to maintain a room, vault or chamber in which a toxic or flammable fumigant is used.</p> |
| <p>105.5.22 Hazardous materials. An operational permit is required to store, transport on site, dispense, use or handle hazardous materials in excess of the amounts listed in Table 105.5.22. See Table 105.5.22 of the 2022 CFC.</p> |
| <p>105.5.23 HPM facilities. An operational permit is required to store, handle or use hazardous production materials.</p> |
| <p>105.5.24 High-piled storage. An operational permit is required to use a building or portion thereof with more than 500 square feet (46 m²), including aisles, of high-piled combustible storage.</p> |
| <p>105.5.25 Hot work operations. An operational permit is required for hot work including, but not limited to:</p> <ol style="list-style-type: none"> 1. Public exhibitions and demonstrations where hot work is conducted. 2. Use of portable hot work equipment inside a structure. <p>Exception: Work that is conducted under a construction permit.</p> 3. Fixed-site hot work equipment, such as welding booths. 4. Hot work conducted within a wildfire risk area. 5. Application of roof coverings with the use of an open-flame device. 6. Where approved, the fire code official shall issue a permit to carry out a hot work program. This program allows approved personnel to regulate their facility's hot work operations. The approved personnel shall be trained in the fire safety aspects denoted in this chapter and shall be responsible for issuing permits requiring compliance with the requirements found in Chapter 35. These permits shall be issued only to their employees or hot work operations under their supervision. |
| <p>105.5.26 Industrial ovens. An operational permit is required for operation of industrial ovens regulated by Chapter 30.</p> |
| <p>105.5.27 Lumber yards, woodworking and firewood storage: An operational permit is required to store lumber in excess of 100,000 board feet (8,333 ft³) (236 m³); or to store fire wood in excess of ten (10) cords; or to conduct woodworking operations involving mass production or involving more than one of each type of machine, or where machines are used continuously (as opposed to intermittently) or substantial products of sawdust may be a problem. See Chapter 28. (SJ Muni Code Ordinance)</p> |
| <p>105.5.28 Liquid- or gas-fueled vehicles or equipment in assembly buildings. An operational permit is required to display, operate or demonstrate liquid- or gas-fueled vehicles or equipment in assembly buildings.</p> |

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| <p>105.5.29 LP-gas. An operational permit is required for:</p> <ol style="list-style-type: none"> 1. Storage and use of LP-gas. <p>Exception: A permit is not required for individual containers with a 500-gallon (1893 L) water capacity or less or multiple container systems having an aggregate quantity not exceeding 500 gallons (1893 L), serving occupancies in Group R-3.</p> <ol style="list-style-type: none"> 2. Operation of cargo tankers that transport LP-gas. |
| <p>105.5.30 Magnesium. An operational permit is required to melt, cast, heat treat or grind more than 10 pounds (4.54 kg) of magnesium.</p> |
| <p>105.5.31 Miscellaneous combustible storage. An operational permit is required to store in any building or on any premises in excess of 2,500 cubic feet (71m³) gross volume of combustible empty packing cases, boxes, barrels or similar containers, combustible pallets, rubber tires, rubber, cork or similar combustible material.</p> |
| <p>105.5.32 Mobile fueling of hydrogen-fueled vehicles. An operational permit is required:</p> <ol style="list-style-type: none"> 1. To engage in the mobile dispensing of gaseous hydrogen as a fuel into the fuel tanks of motor vehicles. 2. Where required by the fire code official, to utilize a site for the dispensing of gaseous hydrogen as a fuel from tank vehicles into the fuel tanks of motor vehicles. <p>Exception: In cases of an emergency, a site permit is not required.</p> |
| <p>105.5.33 Motor fuel-dispensing facilities. An operational permit is required for the operation of automotive, marine and fleet motor fuel-dispensing facilities.</p> |
| <p>105.5.34 Open burning. An operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground. Instructions and stipulations of the permit shall be complied with.</p> <p>Exception: Recreational fires.</p> |
| <p>105.5.35 Open flames and torches. An operational permit is required to remove paint with a torch, or to use a torch or open-flame device in a wildfire risk area.</p> |
| <p>105.5.36 Open flames and candles. An operational permit is required to use open flames or candles in connection with assembly areas, dining areas of restaurants or drinking establishments.</p> |
| <p>105.5.37 Organic coatings. An operational permit is required for any organic-coating manufacturing operation producing more than 1 gallon (4 L) of an organic coating in one day.</p> |
| <p>105.5.38 Outdoor assembly event. An operational permit is required to conduct an outdoor assembly event where planned attendance exceeds 1,000 persons.</p> |
| <p>105.5.39 Places of assembly. An operational permit is required to operate a place of assembly.</p> |
| <p>105.5.40 Plant extraction systems. An operational permit is required to use plant extraction systems.</p> |
| <p>105.5.41 Private fire hydrants. An operational permit is required for the removal from service, use or operation of private fire hydrants.</p> <p>Exception: A permit is not required for private industry with trained maintenance personnel, private fire brigade or fire departments to maintain, test and use private hydrants.</p> |
| <p>105.5.42 Pyrotechnic special effects material. An operational permit is required for use and handling of pyrotechnic special effects material. See Health and Safety Code Division 11, Part 2, Sections 12500, et seq. for additional requirements.</p> |
| <p>105.5.43 Pyroxylin plastics. An operational permit is required for storage or handling of more than 25 pounds (11 kg) of cellulose nitrate (pyroxylin) plastics, and for the assembly or manufacture of articles involving pyroxylin plastics.</p> |
| <p>105.5.44 Refrigeration equipment. An operational permit is required to operate a mechanical refrigeration unit or system regulated by Chapter 6.</p> |
| <p>105.5.45 Repair garages and motor fuel-dispensing facilities. An operational permit is required for operation of repair garages and automotive, marine and fleet motor fuel-dispensing facilities, including fueling with flammable or combustible liquids, liquefied petroleum gases, compressed natural gas, liquefied natural gas, or hydrogen. (SJ Muni Code Ordinance)</p> |
| <p>105.5.46 Rooftop heliports. An operational permit is required for the operation of a rooftop heliport.</p> |
| <p>105.5.47 Spraying or dipping. An operational permit is required to conduct a spraying or dipping operation utilizing flammable or combustible liquids, or the application of combustible powders regulated by Chapter 24.</p> |
| <p>105.5.48 Storage of tires, scrap tires and tire byproducts. An operational permit is required to establish, conduct or maintain outdoor storage of tires, scrap tires and tire byproducts that exceeds 1,000 cubic feet (92 m³) of total volume of scrap tires, and for indoor storage of tires and tire byproducts. (SJ Muni Code Ordinance)</p> |

105.5.49 Temporary membrane structures and tents. An operational permit is required to operate an air-supported temporary membrane structure, a temporary special event structure or a tent having an area in excess of 400 square feet (37 m²).

Exceptions:

1. Tents used exclusively for recreational camping purposes.
2. Tents open on all sides, which comply with all of the following:
 - 2.1. Individual tents having a maximum size of 700 square feet (65 m²).
 - 2.2. The aggregate area of multiple tents placed side by side without a fire break clearance of not less than 12 feet (3658 mm) shall not exceed 700 square feet (65 m²) total.
 - 2.3. A minimum clearance of 12 feet (3658 mm) to structures and other tents shall be provided.

105.5.50 Tire-rebuilding plants. An operational permit is required for the operation and maintenance of a tire-rebuilding plant.

105.5.51 Waste handling. An operational permit is required for the operation of wrecking yards, junk yards and waste material-handling facilities.

105.5.52 Wood products. An operational permit is required to store chips, hogged material, lumber or plywood in excess of 200 cubic feet (6 m³).

105.5.53 Lithium batteries. An operational permit is required for an accumulation of more than 15 cubic feet (0.42 m³) of lithium-ion and lithium metal batteries, where required by Section 322.1.

105.5.54 Additional permits. In addition to the permits required by Section 105.5, the following permits shall be obtained from the Bureau of Fire Prevention prior to engaging in the following activities, operations, practices or functions:

1. **Production facilities.** To change use or occupancy, or allow the attendance of a live audience, or for wrap parties.
2. **Pyrotechnics and special effects.** To use pyrotechnic special effects, open flame, use of flammable or combustible liquids and gases, welding and the parking of motor vehicles in any building or location used for the purpose of motion picture, television and commercial production.
3. **Live audiences.** To install seating arrangements for live audiences in approved production facilities, production studios and sound stages. See Chapter 48.
4. **Battery Storage System:** An operational permit is required to operate Stationary Storage Systems having capacities exceeding the values shown in 2022 CFC Table in Section 1206.2. (SJ Muni Code Ordinance)
5. **Day Care Facility:** An operational permit is required to operate any day care home or facility which provides day care for adults or children. (SJ Muni Code Ordinance)
6. **Lithium Battery Storage System:** An operational permit is required to collect or store more than 1,000 pounds (454 kg) of lithium batteries. (SJ Muni Code Ordinance)
7. **High-Rise Buildings:** An operational permit is required to operate any high-rise building. (SJ Muni Code Ordinance)
8. **Institutions:** An operational permit is required to operate any health facility as defined in Section 1250 of the California Health and Safety Code, with an occupant load of more than six (6) persons, or to operate any jail or facility where personal liberties of the occupants are restrained. See California Code of Regulations Title 24 Part 2. (SJ Muni Code Ordinance)
9. **Multi-story building:** An operational permit is required to operate any building which is not a high-rise building, but has four or more floors. See Section 3.09 of Title 19 of the California Code of Regulations. (SJ Muni Code Ordinance)
10. **Residential care facility:** An operational permit is required to operate any residential care or service facility, as described in the California Building Code, accommodating more than six (6) persons. (SJ Muni Code Ordinance)
11. **Emergency Responder Radio Coverage (ERRC):** An operational permit is required to operate ERRC systems and related equipment. (SJ Muni Code Ordinance)
12. **Firefighter Air Replenishment System (FARS):** An operational permit is required to operate FARS systems and related equipment. (SJ Muni Code Ordinance)
13. **Multifamily Residential Building:** An operational permit is required to operate any Residential Group R-2 or R-2.1 as defined in CBC 310.3. (SJ Muni Code Ordinance)
14. **On-Demand Mobile Fueling Operations:** An operational permit is required to operate on-demand mobile fueling operations as defined in the 2022 CFC, Section 5707.

At the final inspection for the Fire Department, Building Permit Card sign off, the Record of Inspection (ROI) shall be noted with the required Operational Permits to be issued to the project.