REPLACE ENTIRE CHAPTER

780 CMR: MASSACHUSETTS AMENDMENTS TO THE *INTERNATIONAL BUILDING CODE 2009*

CHAPTER 1: SCOPE AND ADMINISTRATION

SECTION 101 GENERAL

101.1 Adoption and Title. The Board of Building Regulations and Standards (BBRS) adopts and incorporates by reference, the *International Building Code*, 2009 edition (IBC), including Appendices AA and A through J, and 780 CMR 110.R1 through 110.R7 and these together with modifications as set forth, shall collectively comprise the *Massachusetts State Building Code* (780 CMR), Eighth Edition, Base Volume, and referred to as "this code".

101.2 Scope. This code shall be the building code for all towns, cities, state agencies or authorities in accordance with M.G.L. c. 143, §§ 93 through 100. This code, and other referenced specialized codes as applicable, shall apply to:

1. the construction, reconstruction, alteration, repair, demolition, removal, inspection, issuance and revocation of *permits* or licenses, installation of equipment, classification and definition of any building or structure and use or occupancy of all buildings and structures or parts thereof except bridges and appurtenant supporting structures which have been or are to be constructed by, or are under the custody and control of the Massachusetts Department of Transportation, the Massachusetts Bay Transportation Authority, the Department of Conservation and Recreation, or the Massachusetts Port Authority or for which said agencies have maintenance responsibility;
2. the rehabilitation and maintenance of existing buildings;
3. the standards or requirements for materials to be used in connection therewith, including but not limited to provisions for safety, ingress and egress, energy conservation and sanitary conditions; and
4. other powers and duties found in M.G.L. c. 143, §§ 93 through 100, but not listed herein. **Exception**: Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures, and residences with five or fewer occupants that are operated or licensed by the Massachusetts Department of Developmental Services shall comply with 780 CMR 51.00: *International Residential Code* with MA amendments.

101.3 Intent. The purpose of this code is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment, and to provide safety to fire fighters and emergency responders during emergency operations.

101.4 Referenced Codes. Referenced codes include the specialized codes of M.G.L. c. 143, § 96 and other codes and regulations listed in 101.4.1 through 101.4.12 and shall be considered part of this code to the prescribed extent of each such reference.

Work regulated by the specialized codes of M.G.L. c. 143, § 96 shall be designed, installed and inspected by individuals authorized to do so in accordance with the specialized codes. However, the impact of work regulated by the specialized codes of M.G.L. c. 143, § 96 and other codes and regulations on work governed by this code and within the jurisdiction of the *building official*, shall be subject to inspection by the *building official*.

101.4.1 Gas and Fossil Fuel Burning Appliances. Reference to the *International Fuel Gas Code* shall be considered reference to 248 CMR: *Board of State Examiners of Plumbers and Gas Fitters*. Gas fired appliances are governed 248 CMR. Oil fired appliances are governed by 527 CMR 4.00: *Oil Burning Equipment*.

101.4.2 Mechanical. The provisions of the *International Mechanical Code (IMC)* shall apply to all mechanical systems except for that which is defined as sheet metal work by M.G.L. c. 112, § 237. The provisions of 271 CMR shall apply to all sheet metal work as defined by M.G.L. c. 112, § 237. Note: 527 CMR may cover certain fire protection requirements of the IMC.

101.4.3 Plumbing. Reference to the *International Plumbing Code* shall be considered reference to 248 CMR: *Board of State Examiners of Plumbers and Gas Fitters*.

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101.4.4 Property Maintenance. Reference to the *International Property Maintenance Code* shall be considered reference to this code (780 CMR) and within the jurisdiction of the *building official*. Also *see* 105 CMR 410.000: *Minimum Standards of Fitness for Human Habitation (State Sanitary Code, Chapter II)*, which are enforced by the public health official.

101.4.5 Fire Prevention. Reference to sections of the *International Fire Code (IFC)* for fire prevention requirements shall be considered reference to 527 CMR: *Board of Fire Prevention Regulations*. The fire official enforces the provisions of 527 CMR. Reference to sections of the *International Fire Code (IFC)* 2009 Edition for building code requirements are adopted, except that retroactive requirements of the IFC are not adopted. The *building official* enforces 780 CMR and all adopted IFC requirements. Also *see* M.G.L. c. 148, § 9.

101.4.6 Energy. Chapter 13: *Energy Efficiency* of this code shall apply to all matters governing the design and construction of buildings for energy efficiency.

101.4.7 Architectural Access. Any reference in this code to accessibility shall be considered reference to 521 CMR: *Architectural Access Board*. 521 CMR is enforced by the *building official*.

101.4.8 Environmental Protection. *See* 310 CMR: *Department of Environmental Protection* and 314 CMR: *Division of Water Pollution Control*.

101.4.9 Elevators. Any reference in this code to elevators shall be considered reference to 524 CMR: *Board of Elevator Regulations*.

101.4.10 Electrical. Any reference in this code to the International Electrical Code shall be considered reference to 527 CMR 12.00: *Massachusetts Electrical Code (Amendments)*.

101.4.11 Sheet Metal. *See* 271 CMR: *Board of Examiners of Sheet Metal Workers*.

101.4.12 International Residential Code. Any reference in this code to the International Residential Code shall be considered reference to 780 CMR 51.00 through 120.00.

101.5 BBRS Advisory Committees. The BBRS has created technical Advisory Committees to support requests from and by the BBRS as it deems necessary per M.G.L. c. 143. Titles and membership of these technical advisory committees may be viewed at www.mass.gov/dps.

SECTION 102 APPLICABILITY

102.1 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

Exception: Where enforcement of a provision of this code would violate the conditions of a listing or manufacturer's instructions, the conditions of the listing and manufacturer's instructions shall apply.

102.2 Other Laws. The provisions of this code shall not nullify any provision of state or federal law. Massachusetts General Laws (M.G.L.s) and the Code of Massachusetts Regulations (CMRs) are often referenced in this code. It is the code user's responsibility to determine all applicable laws and regulations relevant to sections in this code.

102.2.1 DDS Facilities. Additional building features required by the Massachusetts Department of Developmental Services (DDS) do not change the classification of residences operated or licensed by DDS as dwellings subject to 780 CMR 51.00: *Massachusetts Residential Code*.

102.2.2 Municipal Bylaws or Ordinances. When provisions of this code conflict with municipal bylaws and ordinances, this code shall govern unless the bylaws or ordinances were promulgated in accordance with M.G.L. c. 143, § 98.

102.3 Application of References. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

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102.4 Referenced Codes and Standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

102.5 Partial Invalidity. In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

102.6 Existing Structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code or as deemed necessary by the *building official* for the general safety and welfare of the public.

102.6.1 Laws in Effect. Unless specifically provided otherwise in this code, and narrow to the provisions of this code, any existing building or structure shall meet and shall be presumed to meet the provisions of the applicable laws, codes, rules or regulations, bylaws or ordinances in effect at the time such building or structure was constructed or altered and shall be allowed to continue to be occupied pursuant to its use and occupancy, provided that the building or structure shall be maintained by the *owner* in accordance with this code.

102.6.2 Laws Not in Use. In cases where applicable codes, rules or regulations, bylaws or ordinances were not in use at the time of such construction or alteration, the building or structure shall be maintained by the *owner* in accordance with this code.

102.6.3 Less Stringent. In cases where the provisions of this code are less stringent than the applicable codes, rules or regulations, bylaws or ordinances at the time of such construction or substantial alteration, the applicable provisions of this code shall apply, providing such application can be reasonably demonstrated to not result in danger to the public, as determined by the *building official*.

102.6.4 Existing Means of Egress, Lighting and Ventilation. The *building official* may cite the following condition in writing as a violation and order the abatement within a time frame deemed necessary by the *building official* to make the building environment safe, healthy or otherwise comply with this code.

a. Inadequate number of means of egress.
b. Egress components with insufficient width or so arranged to be inadequate, including signage and lighting.
c. Inadequate lighting and ventilation.

Where full compliance for means of egress, lighting and ventilation are not practical, the *building official* may accept compliance alternatives, engineering, or other evaluations that adequately address the deficiency.

102.7 Moved Structures. Buildings or structures moved into or within the jurisdiction shall comply with the provisions of Chapter 34: *Existing Structures* provided that any new system shall comply as far as practicable with the requirements for new structures and provided further that the siting and fire separation distance comply with the requirements for new structures.

102.8 Maintenance of Existing Buildings and Structures. All buildings and structures and all parts thereof, both existing and new, and all systems and equipment therein which are regulated by this code shall be maintained in a safe, operable and sanitary condition. All service equipment, means of egress, devices and safeguards which are required in a building or structure, or which were required by a previous statute in a building or structure, when erected, altered or repaired, shall be maintained in good working order.

102.8.1 Owner Responsibility. The *owner*, as defined in Chapter 2: *Definitions*, shall be responsible for compliance with the provisions of this code.

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PART 2 - ADMINISTRATION AND ENFORCEMENT

SECTION 103 ENFORCEMENT

103.1 Municipal and State Enforcement. Reference to The Department of Building Safety shall be considered reference to the *building official*. This code shall be enforced by the *building official* as defined in Chapter 2: *Definitions* and in accordance with M.G.L. c. 143, §§ 3, 3A, Y, and Z and M.G.L. c. 22, the *building official* shall include; building commissioner or inspector of buildings, local inspector, and state building inspector. These M.G.L.s also contain provisions, not limited to: employment and designation, qualifications, temporary appointment, and certification of *building officials*.

SECTION 104 DUTIES AND POWERS OF BUILDING OFFICIAL

104.1 General. The *building official* is hereby authorized and directed to enforce the provisions of this code in accordance with M.G.L. c. 143, §§ 3 and 3A. In every city and town this code shall be enforced by the State Inspector of the Department of Public Safety, Division of Inspections, as to any structures or buildings or parts thereof that are owned by the Commonwealth or any departments, commissions, agencies, or authorities of the Commonwealth

104.2 Applications and *Permits*. The *building official* shall receive applications, review *construction documents* and issue *permits* for the erection, and alteration, demolition and moving of buildings and structures, inspect the premises for which such *permits* have been issued and enforce compliance with the provisions of this code.

104.3 Notices and Orders. The *building official* shall issue all necessary notices or orders to ensure compliance with this code.

104.4 Inspections. The *building official* shall make all of the required inspections, or the *building official* shall have the authority to accept reports of inspection by *approved* agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such *approved* agency or by the responsible individual. The *building official* is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

104.4.1 Coordination of Inspections. Whenever in the enforcement of this code, or another code or ordinance, the responsibility of more than one enforcement official of the jurisdiction is involved, it shall be the duty of the enforcement officials involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the building or structure shall not be subjected to visits by numerous inspectors or multiple or conflicting orders. Whenever an enforcement official observes an apparent or actual violation not within the official's authority, the official shall report the findings to the official having jurisdiction.

104.5 Identification. The *building official* shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.6 Right of Entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the *building official* has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the *building official* is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the *building official* shall first make a reasonable effort to locate the *owner* or other person having charge or control of the structure or premises and request entry. If entry is refused, the *building official* shall have recourse to the remedies provided by law to secure entry.

104.7 Department Records. The *building official* shall keep official records of applications received, *permits* and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.

104.8 Liability. All claims of liability relative to *building officials* shall be governed by M.G.L. c. 258.

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104.9 Approved Materials and Equipment. Materials, equipment and devices *approved* by the *building official* shall be constructed and installed in accordance with such approval.

104.9.1 Used Materials and Equipment. The use of used materials which meet the requirements of this code for new materials is *permitted*. Used equipment and devices shall not be reused unless *approved* by the *building official.*

104.10 Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this code, the *building official* shall have the authority to grant modifications for individual cases, upon application of the *owner* or owner's representative, provided the *building official* shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department of building safety.

104.10.1 Areas Prone to Flooding. The *building official* shall not grant modifications to any provision related to areas prone to flooding as established by this code without the granting of a variance to such provisions by the building code appeals board. Also, no variance to requirements of this code can be solely utilized to argue for lawful construction/reconstruction where such construction/reconstruction would conflict with requirements of M.G.L. c. 131, § 40: *Removal, Fill, Dredging or Altering of Land Bordering Waters* (the Wetlands Protection Act), and/or 310 CMR and 314 CMR, as applicable.

104.11 Alternative Materials, Design and Methods of Construction and Equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been *approved.* An alternative material, design or method of construction shall be *approved* where the *building official* finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

104.11.1 Research Reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from *approved* sources.

104.11.2 Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the *building official* shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the *building official* shall approve the testing procedures. Tests shall be performed by an *approved* agency. Reports of such tests shall be retained by the *building official* for the period required for retention of public records.

104.12 Matters Not Provided For. In recognition of the inherent difficulty of drafting a functional code that contemplates every situation that may arise in the area of building safety, this section provides the *building official*, the building code appeals board, or the BBRS itself, with reasonable discretion to ensure that all life safety issues that may arise in the enforcement of this code may be appropriately addressed. Matters not specifically provided for in this code regarding structural, egress, fire, energy, sanitary or other requirements essential to occupant safety shall be determined by the *building official* or, in the case of an appeal, the building code appeals board. If this provision is used, the *building official* shall notify the BBRS in writing within seven days of such determination. For highly specialized buildings and structures that conform to unique code requirements or nationally recognized standards not required in this code, *registered design professionals* shall provide sufficient information to the *building official* to support their approval. For fire protection design, *see* Chapter 9: *Fire Protection Systems.*

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SECTION 105 PERMITS

105.1 Required. It shall be unlawful to construct, reconstruct, alter, repair, remove or demolish a building or structure; or to change the use or occupancy of a building or structure; or to install or alter any equipment for which provision is made or the installation of which is regulated by this code without first filing an application with the *building official* and obtaining the required *permit*.

105.2 Work Exempt from Permit. Except for activities which may require a *permit* pursuant to other laws, by-laws, rules and the specialized codes of M.G.L. c. 143, § 96, a building *permit* is not required for the following activities:

1. One story detached accessory buildings used as tool or storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet.
2. Fences not over six feet (1829 mm) high.
3. Retaining walls which retain less than four feet of unbalanced fill.
4. Greenhouses covered exclusively with plastic film. This exemption does not apply if the greenhouse is to be used for large assemblies of people or uses other than normally expected for this purpose.
5. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
6. Swings and other playground equipment.
7. Window awnings supported by an *exterior wall* that do not project more than 54 inches (1372 mm) from the *exterior wall* and do not require additional support of Groups R-3 and U occupancies.
8. Sidewalks and driveways.

105.2.1 Emergency Repairs. Where replacements and repairs governed by this code must be performed in an emergency situation, the *permit* application shall be submitted within the next working business day to the *building official*.

Note: Pursuant to the terms of the specialized codes of M.G.L. c. 143, § 96, this exemption might not apply to emergency repairs conducted under those specialized codes.

105.2.2 Repairs. Application or notice to the *building official* is not required for ordinary repairs to structures. A *permit* is required for work including but not limited to: the substantial cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements or mechanical systems or other work affecting public health or general safety under the jurisdiction of 780 CMR.

105.3 Application for Permit. To obtain a *permit*, the *owner* (*see* definition) or authorized agent shall file a *permit* application on a form furnished by the *building official* for that purpose. Standard application forms, along with application forms that some municipalities use, can be found at www.mass.gov/dps. Such applications shall:

1. Identify and describe the work to be covered by the *permit* for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended. If the work involves a care facility or residence licensed by a State agency, indicate the agency name and appropriate licensing regulation on the *permit*. For example: Department of Developmental Services, 115 CMR.
4. Be accompanied by *construction documents* and other information as required in section 107. *Construction documents* shall list any additional building features required by a Massachusetts state agency for its facilities that go beyond the requirements in this code.
5. State the valuation of the proposed work. The *building official* has authority to request from the applicant a detailed substantiation of the valuation.

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6. Be signed by the *owner* (*see* definition) or authorized agent.
7. Give such other data and information as required by the *building official* in accordance with this code.

105.3.1 Action on Application. The *building official* shall examine or cause to be examined applications for *permits* and amendments, and shall issue or deny the *permit*, within 30 days of filing. If the application or the *construction documents* do not conform to the requirements of this code and all pertinent laws (*see* note below) under the *building official*'s jurisdiction, the *building official* shall deny such application in writing, stating the reasons therefore. The *building official*'s signature shall be attached to every *permit*.
The following requirements, where applicable, must be satisfied before a building *permit* is issued:

1. Zoning: in accordance with M.G.L. c. 40A or St. 1956, c. 665.
2. Railroad Right-of-way: in accordance with M.G.L. c. 40, § 54A.
3. Water Supply: in accordance with M.G.L. c. 40, § 54;
4. Debris Removal: in accordance with M.G.L. c. 40, § 54
5. Workers Compensation Insurance: in accordance with M.G.L. c. 152, § 25C(6).
6. Hazards to Air Navigation: in accordance with M.G.L. c. 90, § 3SB.
7. Construction in coastal dunes, *see* section Appendix G: *Flood-resistant Construction.*

105.3.2 Time Limitation of Application. An application for a *permit* for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a *permit* has been issued; except that the *building official* is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

105.4 Validity of Permit. The issuance or granting of a *permit* shall not be construed to be a *permit* for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. *Permits* presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a *permit* based on *construction documents* and other data shall not prevent the *building official* from requiring the correction of errors in the *construction documents* and other data. The *building official* is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.

105.5 Expiration. Every *permit* issued shall become invalid unless the work on the site authorized by such *permit* is commenced within 180 days after its issuance, or if the work authorized on the site by such *permit* is suspended or abandoned for a period of 180 days after the time the work is commenced. The *building official* is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

105.6 Suspension or Revocation. The *building official* is authorized to suspend or revoke a *permit* issued under the provisions of this code wherever the *permit* is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

105.7 Placement of Permit. The *permit* or copy shall be kept on the site of the work until the completion of the project.

105.8 Notice of Start. The *building official* may require to be notified at least one business day before the start of work.

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105.9 Independent Structural Engineering Review Condition. As a condition for the issuance of a building *permit*, the structural design of the following described structures shall be reviewed by a *registered design professional* to verify that the design of the primary structure is conceptually correct and that there are no major errors in the design:

1. High rise buildings.
2. Structures of unusual complexity or design as determined by the BBRS. A *building official* may apply to the BBRS for such a determination on a specific structure.

This requirement shall not preclude an *owner* from obtaining an independent structural engineering design review of a primary structure, other than those listed in this section.

105.9.1 Review Requirements. The independent structural engineering review shall be in accordance with the guidance document found at www.mass.gov/dps.

105.9.2 Disputes. Disputes between the structural engineer responsible for the design of the building or structure and the independent structural engineering reviewer shall be resolved by the BBRS or a board established by the BBRS.

SECTION 106 FLOOR AND ROOF DESIGN LOADS

106.1 Live Loads Posted. Where the live loads for which each floor or portion thereof of a commercial or industrial building is or has been designed to exceed 50 psf (2.40 kN/m^2), such design live loads shall be conspicuously posted by the *owner* in that part of each story in which they apply, using durable signs. It shall be unlawful to remove or deface such notices

106.2 Issuance of Certificate of Occupancy. A certificate of occupancy required by Section 111 shall not be issued until the floor load signs, required by Section 106.1, have been installed.

106.3 Restrictions on Loading. It shall be unlawful to place, or cause or permit to be placed, on any floor or roof of a building, structure or portion thereof, a load greater than is permitted by this code.

SECTION 107 SUBMITTAL DOCUMENTS AND CONSTRUCTION CONTROL

107.1 General. Submittal documents consisting of *construction documents*, statement of special inspections, geotechnical report and other data shall be submitted in two or more sets with each *permit* application. The *construction documents* shall be prepared by a *registered design professional* where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the *building official* is authorized to require additional *construction documents* to be prepared by a *registered design professional.*

Exception: The *building official* is authorized to waive the submission of *construction documents* and other data not required to be prepared by a *registered design professional* if it is found that the nature of the work applied for is such that review of *construction documents* is not necessary to obtain compliance with this code.

107.1.1 Professional Seal and Signature. All plans and specifications shall bear a seal and signature of the responsible *registered design professional* in accordance with M.G.L. c. 143, § 54A. *See* also www.mass.gov/dpl for policy on electronic seal and signature for certain *registered design professionals.*

107.1.2 Fire Department Review. For *permits* that include *fire protection systems* under Chapters 4: *Special Detailed Requirements Based on Use and Occupancy* or 9: *Fire Protection Systems*, or 34: *Existing Structures, construction documents* shall be filed with the *building official* who shall cause them to be filed with the head of the local fire department for review. The fire department shall have ten-working days after receiving the documents to complete its review. Upon the fire department's written request, the *building official* may grant one or more extensions up to a total review period maximum of 30-days. If the fire department review is not received within the allowed time frame the *building official* may upon review deem the documents in compliance with 780 CMR. If the head of the local fire department believes such *construction documents* to be noncompliant with this code or reference standards, he or she shall notify the *building official* (refer to M.G.L. c. 148, § 28A) in writing citing relevant sections of noncompliance with this code or the section of the referenced standards of Chapter 35: *Referenced Standards.*

107.1.3 Manufactured Buildings and Modular Homes. Document submittal shall be as follows:

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1. Site specific plans and specifications.
2. Plan Identification Number Assignment Form with BBRS number. This is to confirm plans have been *approved* by the State and must include a stamp approval and signature.
3. Plans must be stamped on every page by a Third Party Inspection Agency.
4. Every page showing calculations by a *registered design professional* must be provided with their stamp and signature.
5. Energy compliance certificate.
6. Set manuals are required to be on site at time of project set and must be specific to the project.

   Exception: If all connection details are provided on the plans then the set manual is not required.
7. Set crew information must accompany the plan submittal package with *approved* certification from manufacturer.

107.2 Construction Documents. *Construction documents* shall be in accordance with Sections 107.2.1 through 107.2.5.

107.2.1 Information on Construction Documents. *Construction documents* shall be dimensioned and drawn upon suitable material. Electronic media documents are *permitted* to be submitted when *approved* by the *building official*. *Construction documents* shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the *building official*.

107.2.2 Fire Protection System Shop Drawings. Shop drawings for the fire protection system(s) shall be submitted to indicate conformance to this code and the *construction documents* and shall be *approved* prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9: *Fire Protection Systems*.

107.2.3 Means of Egress. The *construction documents* shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of this code. In other than occupancies in Groups R-2, R-3, and I-1, the *construction documents* shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

107.2.4 Exterior Wall Envelope. *Construction documents* for all buildings shall describe the *exterior wall envelope* in sufficient detail to determine compliance with this code. The *construction documents* shall provide details of the *exterior wall envelope* as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings. The *construction documents* shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the *construction documents* maintain the weather resistance of the *exterior wall envelope*. The supporting documentation shall fully describe the *exterior wall* system which was tested, where applicable, as well as the test procedure used.

107.2.5 Site Plan. The *construction documents* submitted with the application for *permit* shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from *lot lines*, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and *base flood* elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The *building official* is authorized to waive or modify the requirement for a site plan when the application for *permit* is for alteration or repair or when otherwise warranted.

107.2.5.1 Base Flood Elevations. *Base flood* elevations shall be determined in accordance with Appendix G: *Flood-resistant Construction*.

107.3 Examination of Documents. The *building official* shall examine or cause to be examined the accompanying submittal documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

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107.3.1 Approval of Construction Documents. When the *building official* issues a *permit*, the *construction documents* shall be *approved*, in writing or by stamp, as "Reviewed for Code Compliance". One set of *construction documents* so reviewed shall be retained by the *building official*. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the *building official* or a duly authorized representative.

107.3.2 Previous Approvals. This code shall not require changes in the *construction documents*, construction or designated occupancy of a structure for which a lawful *permit* has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

107.3.3 Phased Approval. The *building official* is authorized to issue a *permit* for the construction of foundations or any other part of a building or structure before the *construction documents* for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such *permit* for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a *permit* for the entire structure will be granted.

107.3.4 Deferred Submittals. For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the *building official* within a specified period.

Deferral of any submittal items shall have the prior approval of the *building official*. The deferred submittal items shall not be installed until the deferred submittal documents have been *approved* by the *building official*.

107.4 Amended Construction Documents. Work shall be installed in accordance with the *approved construction documents*, and any changes made during construction that are not in compliance with the *approved construction documents* shall be resubmitted for approval as an amended set of *construction documents*.

107.5 Retention of Construction Documents. One set of *approved construction documents* shall be retained by the *building official* in accordance with M.G.L. c. 66, § 8.

107.6 Construction Control.

107.6.1 General. This section shall apply to the construction controls, professional services and contractor services required for buildings and structures needing *registered design professional* services.

The following structures are exempt from the requirements of this section:

1. Any building containing less than 35,000 cubic feet of enclosed space, measured to the exterior surfaces of walls and roofs and to the top of a ground supported floor, or in the case of a crawl space, to the bottom surface of the crawl space. In the case of basement floors or levels, the calculation of enclosed space shall include such spaces. For additions to existing buildings, the volume of enclosed space shall include the entire existing building and all proposed additions.
2. Any one- or two-family dwelling or any accessory building thereto.
3. Any building used exclusively for agricultural purposes. *See* Appendix C: *Group U - Agricultural Buildings* for occupancy and other limitations.
4. Retaining walls less than ten feet in height at all points along the wall as measured from the base of the footing to the top of the wall.
5. Structures where the *building official* determines that the scope of work is minor in nature and not needing *registered design professional* services.

Notwithstanding these exemptions, *registered design professional* services shall be required for activities which are deemed to constitute the practice of architecture or engineering as defined in M.G.L. c. 112, §§ 60A or 81D, except as provided in M.G.L. c. 143, § 54A and any legally required profession or as provided in M.G.L. c. 112, § 81R. Where work is performed by licensed trades people pursuant to M.G.L. c. 112, § 81R, shop drawings or plans and specifications prepared to document that work shall not be required to bear the seal or signature of a *registered design professional*. In *lieu* of a seal and signature the *building official* may require that the *registered design professional* review and approve shop or record drawings for general conformance to the design concept.

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107.6.1.1 Specialized Structures. Telecommunication towers, wind turbine towers, and similar structures are engineered structures and shall be subject to the requirements of section 107.6.

107.6.2 Registered Design Professional Services.

107.6.2.1 Design. All plans, computations and specifications involving new construction, alterations, repairs, expansions or additions or change in use or occupancy of existing buildings shall be prepared by or under the direct supervision of a *registered design professional* and shall bear his or her signature and seal (*see* Section 107.1.1). Said signature and seal shall signify that the plans, computations and specifications meet the applicable provisions of this code and accepted engineering practices. Any alternative means and methods which deviate from prescriptive requirements of this code shall be submitted to the *building official* for approval in a narrative form separate from the plans.

107.6.2.2 Construction. The *registered design professionals* who are responsible for the design, plans, calculations, and specifications, their designee or the *registered design professionals* who have been retained for construction phase services, shall perform the following tasks:

1. Review, for conformance to this code and the design concept, shop drawings, samples and other submittals by the contractor in accordance with the requirements of the *construction documents*.
2. Perform the duties for *registered design professionals* in Chapter 17: *Structural Tests and Special Inspections*.
3. Be present at intervals appropriate to the stage of construction to become generally familiar with the progress and quality of the work and to determine if the work is being performed in a manner consistent with the *construction documents* and this code.

The *permit* application shall not be deemed completed until all of the *construction documents* required by this code have been submitted. Documentation indicating that work complies with the plans and specifications shall be provided at the completion of each phase when required by the *building official*. Upon completion of the work, the *registered design professional* shall file a final document to the *building official* indicating that, to the best of his or her knowledge and belief, the work has been performed in accordance with the *approved* plans and this code. Forms for construction control when required by the *building official* shall be those found at www.mass.gov/dps.

107.6.2.3 Structural Tests and Special Inspections. Structural tests and special inspection shall be provided in accordance with Chapter 17: *Structural Tests and Special Inspections*.

107.6.2.4 Non Structural System Test and Inspection. Tests and inspections of non structural systems shall be performed in accordance with applicable engineering practice standards, referenced standards listed in Chapter 35: *Referenced Standards*, or as otherwise specified in this code.

107.6.3 Construction Contractor Services. The actual construction of the work shall be the responsibility of the general contractor as identified on the *approved permit* and shall involve the following:

1. Execution of all work in accordance with the *approved construction documents*.
2. Execution and control of all means and methods of construction in a safe and satisfactory manner in accordance with all applicable local, state, and federal statutes and regulations.
3. Upon completion of the construction, certification in writing to the responsible *registered design professional* that, to the best of the contractor's knowledge and belief, construction has been done in substantial accord with section 107.6 and with all pertinent deviations specifically noted. The *building official* may require a copy of this certification.

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107.6.4 Project Representation. A project representative may be required by the *building official*. This representative shall keep daily records and submit reports as may be required by the *building official*. This project representation requirement shall be determined prior to the issuance of the *permit* and may be a prerequisite for *permit* issuance. Refusal by the applicant to provide such service if required by the *building official* shall result in the denial of the *permit*. All fees and costs related to the performance of project representation shall be borne by the *owner*. When applications for unusual designs or magnitude of construction are filed, or where reference standards require special architectural or engineering inspections, the *building official* may require that the project representative be a *registered design professional* in addition to those *registered design professionals* required elsewhere per Section107.6.

107.6.5 Building Official Responsibility. Nothing contained in section 107.6 shall have the effect of waiving or limiting the *building official*'s authority to enforce this code with respect to examination of the contract documents, including plans, computations and specifications, and field inspections.

SECTION 108 TEMPORARY STRUCTURES AND USES

108.1 General. The *building official* is authorized to issue a *permit* for temporary structures and temporary uses. Such *permits* shall be limited as to time of service, but shall not be *permitted* for more than 180 days. The *building official* is authorized to grant extensions for demonstrated cause.

108.2 Conformance. Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure public health, safety and general welfare.

108.3 Fire Department Review. Temporary structures and uses must be *approved* by the *building official* in consultation with the head of the local fire department.

108.4 Termination of Approval. The *building official* is authorized to terminate for cause and with written notice such *permit* for a temporary structure or use and to order the temporary structure or use to be discontinued.

108.5 State of Emergency. Upon declaration by the Governor of a State of Emergency under St. 1950. c. 639, or of an emergency detrimental to the public health under M.G.L. c. 17, § 2A a building or space within a building may be used as a temporary emergency use for purposes of housing and/or caring for persons in accordance with procedures established for such purpose as contained in this code (also *see* Chapter 31: *Special Construction*).

SECTION 109 FEES

109.1 Payment of Fees. A *permit* shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a *permit* be released until the additional fee, if any, has been paid in the amount established by the applicable governing authority.

109.2 Schedule of Permit Fees. For state building *permit* fees, *see* 801 CMR 4.02: *Rates*. For municipal building *permit* fees, refer to the municipality.

109.3 Building Permit Valuations. The applicant for a *permit* shall provide an estimated value of project cost at time of application. If, in the opinion of the *building official*, the valuation is underestimated on the application, the *permit* shall be denied, unless the applicant can show detailed estimates to meet the approval of the *building official*. Final building *permit* valuation shall be set by the *building official*.

109.4 Work Commencing Before Building Permit Issued. Any person who commences any work on a building or structure governed by this code before obtaining the necessary building *permit* shall be in violation of this code and subject to penalties. *See* Section 114.

109.5 Related Fees. Payment of the building *permit* fee shall not relieve the applicant or holder of the *permit* from the payment of other fees that are prescribed by law.

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SECTION 110 INSPECTIONS

110.1 General. Construction or work for which a *permit* is required shall be subject to inspection by the *building official* and such construction or work shall remain accessible and exposed for inspection purposes until *approved.* Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the *permit* applicant to cause the work to remain accessible and exposed for inspection purposes and that all work shall be conducted, installed, protected and completed in a workmanlike and acceptable manner so as to secure the results intended by this code. Neither the *building official* nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

110.2 Preliminary Inspection. Before issuing a *permit*, the *building official* is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

110.3 Required Inspections. The *building official* shall conduct inspections during construction at intervals sufficient to ensure compliance with the provisions of this code which may include inspections set forth in sections 110.3.1 through 110.3.10 (Also 110.4). The *building official* shall inform the applicant of the required points of inspection at the time of *permit* issuance. The *building official* may designate specific inspection points in the course of construction that require the contractor or builder to give the *building official* one business day notice prior to the time when those inspections need to be performed. The *building official* shall make the inspections within two business days after notification.

110.3.1 Footing and Foundation Inspection. Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

110.3.2 Concrete Slab and Under-floor Inspection. Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

110.3.3 Lowest Floor Elevation. Per Appendix G: *Flood-resistant Construction*, in flood hazard zones and high hazard zones, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in Appendix G: *Flood-resistant Construction*, shall be submitted to the *building official.*

110.3.4 Frame Inspection. Framing inspections shall be made after the roof deck or sheathing, all framing, fire-blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are *approved.*

110.3.5 Lath and Gypsum Board Inspection. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

Exception: Gypsum board that is not part of a fire-resistance-rated assembly or a shear assembly.

110.3.6 Fire- and Smoke-resistant Penetrations. Protection of joints and penetrations in fire-resistance-rated assemblies, smoke barriers and smoke partitions shall not be concealed from view until inspected and *approved.*

110.3.7 Energy Efficiency Inspections. Inspections shall be made to determine compliance with Chapter 13: *Energy Efficiency* and shall include, but not be limited to, inspections for: envelope insulation R- and U-values, fenestration U- value, duct system R- value, and HVAC and water-heating equipment efficiency.

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110.3.8 Other Inspections. In addition to the inspections specified above, the *building official* is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department of building safety.

110.3.9 Special Inspections. For special inspections, *see* Section 1704.

110.3.10 Final Inspection. The final inspection shall be made after all work required by the building *permit* is completed.

110.4 Inspection Agencies. The *building official* is authorized to accept reports of *approved* inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

110.5 Inspection Requests. It shall be the duty of the holder of the building *permit* or their duly authorized agent to notify the *building official* when work is ready for inspection. It shall be the duty of the *permit* holder to provide access to and means for inspections of such work that are required by this code. The *building official* may require the *permit* holder or his representative to attend these inspections.

110.6 Approval Required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the *building official*. The *building official*, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the *permit* holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the *building official*.

110.7 Periodic Inspections. The *building official* shall inspect periodically existing buildings and structures and parts thereof in accordance with Table 110 entitled Schedule for Periodic Inspections of Existing Buildings. Such buildings shall not be occupied or continue to be occupied without a valid Certificate of Inspection. Periodic inspections required by this section do not apply to residences operated or licensed by the Massachusetts Department of Developmental Services and subject to 780 CMR One- and Two-family Dwellings.

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Table 110
Schedule for Periodic Inspection of Existing Buildings
(*See* Chapters 3: *Use and Occupancy Classification* and 4: *Special Detailed Requirements Based on Use and Occupancy* for complete descriptions of use groups.)

Use Group	Use Group	Use Group Description	Minimum Inspections	Maximum Certification Period
A-1	Movie theaters or theaters for performing acts (stage and scenery)	> 400 occupant load ≤ 400 occupant load	Semi – annual Semi – annual	One year One year
A-2	Restaurants, Night Clubs or similar uses	> 400 occupant load[1] ≤ 400 occupant load[1]	Semi –annual[1] Annual[1]	One year One year
A-3	Lecture halls, dance halls, churches and places of religious worship, recreational centers, terminals, *etc.*	> 400 occupant load ≤ 400 occupant load	Semi –annual Annual	One year One year
A-4	Low density recreation and similar uses.		*see* note 3.	Five years
A	Special amusement buildings or portions thereof.		*see* note 3.	One year
E	Educational, day care		*see* note 3.	One year
I-1	Group home		*see* note 3.	One year
I-2	Residents incapable of self preseration – hospitals, nursing home, mental hospitals, certain day care facilities.		*see* note 3.	Two years[2]
I-3	Residents restrained – prisons, jails, detention centers, *etc.*		*see* note 3.	Two years
I-4	Adult and/or child day care facilities.		*see* note 3.	One year
R-1	Hotels, motels, boarding houses, *etc.*		*see* note 3.	One year
R-1	Detoxification facilities		*see* note 3.	Two years
R-2	Multi-family		*see* note 3.	Five years
R-2	Dormitories and R-2 Congregate Living		*see* note 3	One year
R-2	Summer Camps for children.		Annual	One year
R-3	Residential facilities licensed by DDS or DMH		Annual	One year
R-4	Residential care/assisted living facilities (≤ 16 persons)		Annual	One year
Any	Facilities licensed by the Alcohol Beverage Control Commission where alcoholic beverages are served and consumed.		Annual[4] as per M.G.L. c. 10, § 74	One year as per M.G.L. c. 10, § 74
Any	House museums (*see* Chapter 34: *Existing Structures* for definition)		Annual	One year
Any	Fire escapes, *etc.* per Chapter 10: *Means of Egress*		Five years	Five years

Notes:

1. When appropriate for A-2 uses, the inspection for the Certificate of Inspection should include and be timed to satisfy the requirements of M.G.L. c. 10, § 74.
2. One year for facilities licensed or operated by the Department of Mental Health (DMH).
3. Prior to issuance of new certificate.
4. Certificates of inspection for establishments intending to sell alcoholic beverages to be consumed on the premises shall be governed by M.G.L. c. 10, § 74 and the inspection schedule in section 110.7. The *building official* may issue a temporary inspection certificate, once co-signed by the *building official* and by the head of the fire department, effective to a date certain for the establishment.

General Note: It is the responsibility of building "owner", as defined in Chapter 2: *Definitions*, to meet the inspection requirements in this table for continued use and occupancy. The maximum certification period specified in the table is intended to provide administrative flexibility. For uses allowing more than one year maximum certification period, the *permit* may determine the certificate validity term. For example, an R-2 building could be certified for one, two, three, four or five years.

SECTION 111 CERTIFICATE OF OCCUPANCY

111.1 Use and Occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made, until the building commissioner, inspector of buildings, or when applicable, the state inspector, has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Conformance to all applicable specialized codes of M.G.L. c. 143, § 96 is a requirement of the issuance of the Certificate of Use and Occupancy

Exception: Certificates of occupancy are not required for work exempt from *permits* under Section 105.2.

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111.1.1 Buildings or Structures Hereafter Altered. building or structure, in whole or in part, altered to change from one use group to another, to a different use within the same use group, the maximum live load capacity, or the occupancy load capacity shall not be occupied or used until the certificate shall have been issued certifying that the work has been completed in accordance with the provisions of the *approved permits* and of the applicable codes for which *permit* is required.

111.1.2 Massachusetts' Licensed Care Facilities. Certificate of occupancy inspections for Massachusetts licensed care facilities, including, inspection of special building features required by the licensing agency, shall be limited to verifying compliance with the provisions of this code.

111.2 Certificate Issued. After the *building official* inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the department of building safety, the *building official* shall issue a certificate of occupancy that contains the following:

1. The building *permit* number.
2. The address of the structure.
3. (*Reserved*).
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the building commissioner or inspector of buildings or state inspector.
7. The edition of the code under which the *permit* was issued.
8. The use and occupancy, in accordance with the provisions of Chapter 3: *Use and Occupancy Classification.*
9. The type of construction as defined in Chapter 6: *Types of Construction.*
10. The design occupant load.
11. If an automatic sprinkler system is provided, whether the sprinkler system is required.
12. Any special stipulations and conditions of the building *permit.*
13. If the facility is licensed by a State agency, the name of the agency and the name and number of any relevant Code of Massachusetts Regulations (CMR) that apply regarding building features.

111.3 Temporary Occupancy. The *building official* is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the *permit*, provided that such portion or portions shall be occupied safely. The *building official* shall set a time period, not to exceed 180 days, during which the temporary certificate of occupancy is valid. Upon written request from the *permit* holder, the *building official* may extend the temporary occupancy *permit* for additional 30 day periods or a period at the discretion of the *building official.*

111.4 Revocation. The *building official* is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

111.5 Posting. Buildings and structures shall be posted for occupancy as noted in this section.

111.5.1 Posting of Use and Occupancy. A copy of the certificate of occupancy shall be posted at the main entry or be made readily available for inspection.

111.5.2 Required Egress Posting. A suitably designed placard, *approved* by the *building official* shall be posted by the *owner* on all floors of every building and structure, except High Hazard, Factory, and 1-3 use occupancies, as defined in Chapter 3: *Use and Occupancy Classification.* In addition to the per floor requirement, all rooms used as a place of assembly or as an R-1 sleeping space shall have the required egress posting. Said placard shall be securely fastened to the building or structure in a readily visible place, showing exiting paths per floor.

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111.5.3 Place of Assembly Posting. A placard suitably designed in contrasting colors and *approved* by the *building official*, shall be posted by the *owner* in every room where practicable of every building and structure and part thereof designed for use as a place of public assembly (use groups A). Said placard shall designate all of the occupant loads *approved* for each configuration within each room or space.

111.5.4 Replacement of Posted Signs. All posting signs shall be furnished by the *owner* and shall be of permanent design; they shall not be removed or defaced, and if lost, removed or defaced, shall be immediately replaced.

111.5.5 Periodic Posting Inspection. The *building official* may periodically inspect all existing buildings and structures except one and two family dwellings for compliance with this code in respect to posting; or may accept the report of such inspections from a *registered design professional* or others certified by the BBRS; and such inspections and reports shall specify any violation of the posting requirements of this code.

SECTION 112 SERVICE UTILITIES - Reserved

SECTION 113 APPEALS

113.1 General. Appeals of orders, decisions, determinations and failures to act made by any state or local agency or any person or state or local agency charged with the administration or enforcement of the state building code or any of its rules and regulations, except the specialized codes of M.G.L. c. 143, § 96 relative to the application and interpretation of this code shall be addressed by the building code appeals board in accordance with M.G.L. c. 143, § 100. An application to file an appeal may be found at www.mass.gov/dps

113.2 Limitations on Authority. - Reserved

113.3 Qualifications. - Reserved

113.4 Local and Regional Boards of Appeals. If a city, region or town had not duly established by ordinance or bylaw or otherwise a local or regional building code board of appeals prior to January 1, 1975, said city, region or town may establish a local or regional board of appeals in accordance with section 113.0, referred to as the local board of appeals, consisting of not less than three nor more than five members appointed by the chief administrative officer of the city, region or town. Any appeal originating in a city or town that has a local board must be heard by the local board before being heard by the state building code appeals board.

113.4.1 Review. Any person, including the State Building Code Appeals Board, aggrieved by a decision of the local board of appeals, whether or not a previous party to the decision, or any municipal officer or official board of the municipality, may, not later than 45 days after the mailing of the decision of the local board, apply to the State Building Code Appeals Board for a hearing *de novo* before the State Board, in accordance with section 113. All local appeal decisions are to be reviewed by the BBRS and are to be summarized in a manner acceptable to the BBRS. Forms and other information pertaining to this review process are found at www.mass.gov/dps.

113.4.2 Qualifications of Local Board Members. Each member of a local board of appeals established under M.G.L. c. 143, § 100 shall have had at least five years experience in the construction, alteration, repair and maintenance of building and building codes. At least one member shall be a registered structural or civil professional engineer and one member a licensed registered architect.

113.4.3 Chairman of Local or Regional Board. The board shall select one of its members to serve as chairman and a detailed record of all proceedings shall be kept on file in the building department.

113.4.4 Absence of Members. During the absence of a member of a local board of appeals for reason of disability or disqualification, the chief administrative officer of the city, region or town shall designate a substitute who shall meet the qualifications as outlined in section 113.0.

SECTION 114 VIOLATIONS

114.1 Unlawful Acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish, occupy or change the use or occupancy of any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

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114.2 Notice of Violation. The *building official* is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a *permit* or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

114.2.1 Notice Service and Content. Every notice or order authorized pursuant to 114.2 shall be in writing and shall be served on the person responsible:

1. Personally, by any person authorized by the *building official*; or
2. By any person authorized to serve civil process by leaving a copy of the order or notice at the responsible party's last and usual place of business or abode; or
3. By sending the party responsible or their agent authorized to accept service of process in the Massachusetts a copy of the order by registered or certified mail return receipt requested, if he is within the Massachusetts; or
4. If the responsible party's last and usual place of business or abode is unknown, by posting a copy of this order or notice in a conspicuous place on or about the premises in violation and by publishing it for at least three out of five consecutive days in one or more newspapers of general circulation wherein the building or premises affected is situated.

114.3 Enforcement. Violations to this code shall be enforced in accordance with the applicable provisions of M.G.L. c. 143, M.G.L. c. 148, and M.G.L. c. 148A.

114.4 Violation Penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure, or makes a change of use in violation of the *approved construction documents* or directive of the *building official*, or of a *permit* or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by M.G.L. c. 143, § 94a.

SECTION 115 STOP WORK ORDER

115.1 Authority. Whenever the *building official* finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the *building official* is authorized to issue a stop work order.

115.2 Issuance. The initial stop work order may be verbal, but shall be in writing within 48 hours and shall cite the time and date of the verbal order and be given to the *owner* of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be *permit*ted to resume.

115.3 Unlawful Continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by M.G.L. c. 143, § 94a. Each day during which a violation exists shall constitute a separate offense.

SECTION 116 UNSAFE STRUCTURES AND EQUIPMENT

116.1 General. The provisions of this section are established by and work in conjunction with the requirements of M.G.L. c. 143, §§ 6 through 12.

116.2 Standards for Making Buildings Safe or Secure. Any *owner* of a building who has been notified that said building shall be made safe or secure under section 116, shall:

1. Remove all materials determined by the head of the fire department or *building official* to be dangerous in case of fire.
2. Secure all floors accessible from grade utilizing one of the following methods so long as such method is *approved* by the head of the fire department and *building official* in writing:
   a. Secure all window and door openings in accordance with the U.S. Fire Administration, National Arson Prevention Initiative Board Up Procedures found here: www.usfa.dhs.gov/downloads/pdf/publications/napi4.pdf continuously until such time as the building is reoccupied; or
   b. Provide 24 hour watchman services, continuously until such time as the building is reoccupied; or

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c. Provide a monitored intruder alarm system at the perimeter of all floors accessible from grade, continuously until such time as the building is reoccupied.

Said *owner*, as the case may be, shall notify the *building official* that the *approved* method chosen to secure the building has been incorporated. Said *owner* shall allow the *building official* to enter the building for an inspection to ascertain that the building is secured and made safe. Said *owner* shall allow the head of the fire department to enter the building. The *building official* shall be supplied with records of maintenance and operation if the provisions of section 116.2 items 2b. or 2c. are used.

3. Maintain any existing fire alarms or sprinkler systems unless written permission is obtained from the head of the fire department in accordance with M.G.L. c. 148, § 27A to shut off or disconnect said alarms or systems.

4. Maintain utilities unless written permission is obtained from the *building official* to disconnect said utilities. Permission to disconnect utilities shall not be granted if it will result in inadequate heat to prevent freezing of an automatic sprinkler system or inadequate utilities to maintain any other protection systems.

5. The requirements of section 116.2 items 1. through 4. do not prevent a *building official* from ordering or taking expeditious, temporary security measures in emergency situations pending the completion of the requirements of section 116.2 items 1. through 4.

For the purposes of section 116, an "emergency situation" shall be defined as: an unexpected incident, which by its very nature may present a threat to public safety personnel who may be required to affect a rescue effort or conduct fire extinguishment operations.

Upon refusal or neglect of said *owner* to comply with such notice, any *building official* acting under the authority of M.G.L. c. 143, §§ 6 through12, shall enforce section 116.2 item 2a. or other equivalent procedure *approved* by the head of the fire department, continuously until such time as the building is reoccupied.

Any building which has been made to conform to the provisions of section 116.2 during vacancy may be reoccupied under its last permitted use and occupancy classification, provided that any systems which were disconnected or shut down during the period of vacancy are restored to fully functional condition and subject to section 105 and M.G.L. c. 40A. The local *building official* shall be notified in writing prior to re-occupancy. If said building is changed in use or occupancy or otherwise renovated or altered it shall be subject to the applicable provisions of Chapter 34: *Existing Structures*.

116.3 Marking or Identifying Certain Buildings That Are Especially Unsafe in the Case of Fire. Any *building official* who determines that a building is especially unsafe in case of fire under section 116 shall notify the head of the fire department about the existence of said building. The *building official*, in cooperation with the head of the fire department, shall cause said building to be marked in accordance with the marking requirements in 527 CMR 10.00: *Fire Prevention, General Provisions*.

REGULATORY AUTHORITY

780 CMR 1.00: St. 1972, c. 802; M.G.L. c. 143, §§ 93 through 100.

NON-TEXT PAGE