

**HOUSE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Michael F. Rush**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act clarifying enforcement of the state fire code.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Michael F. Rush

10th Suffolk

Thomas M. Menino

Mayor of Boston

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## AN ACT CLARIFYING ENFORCEMENT OF THE STATE FIRE CODE.

1            *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority*  
2 *of the same, as follows:*

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4 SECTION 1. Chapter 143 of the General Laws, as appearing in the 2006 Official Edition, is hereby  
5 amended by deleting the Section 3A and inserting the following new section:-

6            “Notwithstanding any general or special law to the contrary and notwithstanding any  
7 provisions of the state building code to the contrary the head of the local fire department shall  
8 enforce the state building code as to any building or structure within the city or town from  
9 which he is appointed including any property owned by the commonwealth or any departments,  
10 commissions, agencies or authorities of the commonwealth. In the event of a conflict between  
11 said code and a statute, ordinance or by-law regulating any historic district, regional historic  
12 district or architecturally controlled district, provisions of any such statute, ordinance or by-law  
13 regulating exterior architectural features within such district shall prevail. Except that the  
14 Massachusetts port authority fire department shall enforce the state fire prevention code on  
15 any property owned by the Massachusetts port authority located at Logan International Airport.  
16 This section shall apply to both publicly and privately owned buildings. Decisions by a head of  
17 the local fire department can be appealed to the State Fire Marshal's Office.”

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19 SECTION 2. Section 4 of Chapter 148 of the General Laws, as appearing in the 2006 Official Edition, is  
20 hereby amended by inserting after the first paragraph the following new paragraph:-

21            “The head of a fire department in a city, town, or district shall enforce the State Fire  
22 Prevention code on any property owned by the Commonwealth or any departments,  
23 commissions, agencies or authorities of the Commonwealth. Except that the Massachusetts Port  
24 Authority Fire Department shall enforce the State Fire prevention Code on any property owned

25 by the Massachusetts Port Authority located at Logan International Airport. Decisions by a Head  
26 of the Local Fire Department can be appealed to the State Fire Marshal's Office.”

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