HOUSE DOCKET, NO. 673

FILED ON: 1/14/2015

HOUSE No. 2143

The Commonwealth of Massachusetts

PRESENTED BY:

Louis L. Kafka

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 adoption of the accompanying bill:

An Act relative to fire protection systems for buildings and structures.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Louis L. Kafka	8th Norfolk
William C. Galvin	6th Norfolk
James E. Timilty	Bristol and Norfolk
Paul McMurtry	11th Norfolk
Michael D. Brady	Second Plymouth and Bristol
James J. O'Day	14th Worcester
Anne M. Gobi	Worcester, Hampden, Hampshire and
	Middlesex
Thomas M. Stanley	9th Middlesex
Daniel J. Ryan	2nd Suffolk
Jonathan D. Zlotnik	2nd Worcester
Colleen M. Garry	36th Middlesex
Michael O. Moore	Second Worcester
Frank A. Moran	17th Essex
Brian M. Ashe	2nd Hampden
James R. Miceli	19th Middlesex
Diana DiZoglio	14th Essex
Paul R. Heroux	2nd Bristol

HOUSE No. 2143

By Mr. Kafka of Stoughton, a petition (accompanied by bill, House, No. 2143) of Louis L. Kafka and others relative to fire protection systems for buildings and structures. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION SEE HOUSE, NO. 2153 OF 2013-2014.]

The Commonwealth of Alassachusetts

In the One Hundred and Eighty-Ninth General Court (2015-2016)

An Act relative to fire protection systems for buildings and structures.

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

SECTION 1. Section 4 of Chapter 22D, as so appearing, is hereby amended by inserting, in line 80, after the word "code", the following paragraph:-

"The provisions of the fire safety code shall apply to all buildings and structures, other than the State House, including buildings and structures owned, operated, or controlled by the Commonwealth, its agencies, departments, boards, commissions, or political subdivisions. The State Fire Marshal or his/her designee shall enforce the State Fire Code in all state owned or controlled buildings."

SECTION 2. Subsection (a) of Section 94 of Chapter 143 of the Massachusetts General Laws, as so appearing in the 2012 Official Edition, is hereby amended by adding the following sentence to the second paragraph:-

This shall not include standards for fire protection or life safety systems, as defined in Section 1 of Chapter 148, installed in new or substantially modified buildings in accordance with regulations prescribed by the Board of Fire Prevention Regulations.

SECTION 3. Section 95 of Chapter 143 of the Massachusetts General Laws, as so appearing, is hereby amended by striking out, in subsection (a), in line 5, the words:- and fire prevention.

SECTION 4. Section 96 of Chapter 143 of the Massachusetts General Laws, as so appearing, is hereby amended by inserting in line 3, between the words "demolition" and "promulgated", the following words:- or fire prevention.

SECTION 5. Section 1 of Chapter 148 of the Massachusetts General Laws, as so appearing in the 2012 Official Edition, is hereby amended by inserting, between the definitions of "Division" and "Head of the Fire Department", the new definition:-

Fire Protection and Life Safety Systems, any equipment or system relating to fire protection, fire detection, fire warning, fire suppression or carbon monoxide alarms installed in any occupancy defined in 780 CMR or as otherwise defined by the Board of Fire Prevention Regulations through regulation.

SECTION 6. Section 1 of Chapter 148 of the Massachusetts General Laws, as so appearing in the 2012 Official Edition, is hereby amended by inserting, after the definition of Fire Protection and Life Safety Systems, the following definition:-

Fire Safety Code, the comprehensive regulations promulgated by the Board of Fire Prevention Regulations pursuant to the provisions of Section 4 of Chapter 22D of the General Laws and pursuant to this chapter.

SECTION 7. Section 26A of Chapter 148 of the Massachusetts General Laws, as so appearing in the 2012 Official Edition, is hereby amended by striking out in lines 3 and 4, the

words "state building code", and substituting in place thereof the following words:- state fire code.

SECTION 8. Section 26A of Chapter 148, as so appearing, is hereby amended by striking out, in lines 12 and 13, the words "board of appeals as provided in the state building code and section twenty-three of chapter twenty-three B", and substituting in place thereof the following words:- Fire Prevention Regulations Appeals Board as provided in Chapter 22D, section 5.

SECTION 9. Section 26A of Chapter 148, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words "state building code" and substituting in place thereof the following words:- state fire code

SECTION 10. Section 26B of Chapter 148, as so appearing, is hereby amended by striking out, in lines 4 and 5, the words "state building code" and substituting in place thereof the following words:- state fire code.

SECTION 11. Section 26B of Chapter 148, as so appearing, is hereby further amended by striking out, in lines 13 and 14, the words the "board of appeals as provided in the state building code and section twenty-three of chapter twenty-three B", and substituting in place thereof the following words:- Fire Prevention Regulations Appeals Board as provided in Chapter 22D, section 5

SECTION 12. Subsection (d) of Section 26F½ of Chapter 148, as so appearing, is hereby amended by striking out, in lines 25-28, the first sentence of the subsection.

SECTION 13. Section 26G of Chapter 148, as so appearing, is hereby amended by striking out, in line 5, the words "state building code" and substituting in place thereof the following words:- state fire code.

SECTION 14. Section 26G½ of Chapter 148, as so appearing, is hereby amended by striking out in lines 6, 7, 19 and 24 the words "state building code" and substituting in place thereof the following words:- state fire code

SECTION 15. Section 26H of Chapter 148, as so appearing, is hereby amended by striking out, in line 4, the words "state building code" and substituting in place thereof the following words:- state fire code.

SECTION 16. Section 26I of Chapter 148, as so appearing, is hereby amended by striking out, in line 9, the words "state building code" and substituting in place thereof the following words:- state fire code.

SECTION 17. Section 26I of Chapter 148, as so appearing, is further amended by adding the following sentence at the end of the section:

Whomever is aggrieved by the head of the fire departments interpretation, order, requirement, direction, or failure to act under the provisions of this section, may, within forty-five days after the service of notice thereof, appeal from such interpretation, order, requirement, direction, or failure to act to the automatic sprinkler appeals board as provided in Section 201 of Chapter 6.

SECTION 18. Section 28 of Chapter 148, as so appearing, is hereby amended by adding, after subsection (3), the following new subsection:

(4) to provide adequate standards for the design, installation, or maintenance of fire protection and life safety systems in buildings or structures.

SECTION 19. The provisions of this act shall take effect on January 1, 2017. The provisions of this act shall not apply to any building or structure which was issued a building permit prior to January 1, 2017.

House 2143

PART I ADMINISTRATION OF THE GOVERNMENT TITLE II EXECUTIVE AND ADMINISTRATIVE OFFICERS OF THE COMMONWEALTH CHAPTER 22D DEPARTMENT OF FIRE SERVICES Section 4Board of fire prevention regulations

Section 4. There shall be in the department, but not under the control of the state fire marshal except as provided under rules and regulations promulgated pursuant to the provisions of section ten of chapter one hundred and forty-eight, a board to be known as the board of fire prevention regulations, which shall consist of the state fire marshal, ex-officio, who may designate from time to time a person serving in the department to act temporarily as a member of such board, with the same powers and duties as other members of said board, the commissioner of the Boston fire department, ex-officio and 14 members to be appointed by the governor, for terms of six years each.

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The governor shall from time to time designate one member of said board as chairman. Such chairman shall act as a nonvoting member of said board, except in the case of a tie vote.

Said board, subject to the provisions of chapter thirty A, shall promulgate a comprehensive fire safety code.

The provisions of the fire safety code shall apply to all buildings and structures, other than the State House, including buildings and structures owned, operated, or controlled by the Commonwealth, its agencies, departments, boards, commissions, or political subdivisions. The State Fire Marshal or his/her designee shall enforce the State Fire Code in all state owned or controlled buildings.

No member shall act as a member of the board or vote as such, in connection with any matter as to which his private right, distinct from the public interest, is immediately concerned.

The majority of said board may transact business but a lesser number may adjourn from time to time.

PART I ADMINISTRATION OF THE GOVERNMENT TITLE XX PUBLIC SAFETY AND GOOD ORDER CHAPTER 143 INSPECTION AND REGULATION OF, AND LICENSES FOR, BUILDINGS, ELEVATORS AND CINEMATOGRAPHS Section 94Powers and duties

Section 94. The board shall have the following powers and duties:

- (a) To formulate, propose, adopt and amend rules and regulations relating to (i) 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 and parts thereof or classes of buildings and structures and 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 department of highways, the Massachusetts Department of Transportation, the Massachusetts Bay Transportation Authority, the metropolitan district commission or the Massachusetts Port Authority or for which said agencies have maintenance responsibility;
- (ii) the rehabilitation and maintenance of existing buildings;
- (iii) 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;
- (iv) the establishment of reasonable fees for inspections, which fees shall be collected and retained by the city or town conducting such inspections.

Such rules and regulations, together with any penalties for the violation thereof, as hereinafter provided, shall comprise and be collectively known as the state building code. This shall not include standards for fire protection or life safety systems, as defined in Section 1 of Chapter 148, installed in new or substantially modified buildings in accordance with regulations prescribed by the Board of Fire Prevention Regulations.

Whoever violates any provision of the state building code, except any specialized code as described in section ninety-six, shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both, for each such violation. Each day during which a violation exists shall constitute a separate offense...

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PART I ADMINISTRATION OF THE GOVERNMENT TITLE XX PUBLIC SAFETY AND GOOD ORDER CHAPTER 143 INSPECTION AND REGULATION OF, AND LICENSES FOR, BUILDINGS, ELEVATORS AND CINEMATOGRAPHS Section 95 General objectives

Section 95. The powers and duties of the board set forth in section ninety-four shall be exercised to effect the following general objectives:

(a) Uniform standards and requirements for construction and construction materials, compatible with accepted standards of engineering and fire prevention practices, energy conservation and public safety.

In the formulation of such standards and requirements, performance for the use intended shall be the test of acceptability, in accordance with accredited testing standards.

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PART I ADMINISTRATION OF THE GOVERNMENT TITLE XX PUBLIC SAFETY AND GOOD ORDER CHAPTER 143 INSPECTION AND REGULATION OF, AND LICENSES FOR, BUILDINGS, ELEVATORS AND CINEMATOGRAPHS Section 96Specialized codes, rules or regulations

Section 96. The state building code shall incorporate any specialized construction codes, rules or regulations pertaining to building construction, reconstruction, alteration, repair or demolition **or fire prevention** promulgated by and under the authority of the various boards which have been authorized from time to time by the general court.

For the purposes of this section, "specialized codes" shall include, but not be limited to, the state plumbing code, electrical code, architectural barriers regulations, fire safety code, fire prevention regulations, sheet metal regulations and elevator regulations.

PART IADMINISTRATION OF THE GOVERNMENT TITLE XXPUBLIC SAFETY AND GOOD ORDER CHAPTER 148FIRE PREVENTION Section 1Definitions

Section 1. In this chapter the following words, unless a different meaning is required by the context or is specifically prescribed, shall have the following meanings:

"Department", the department of fire services.

"Division", the division of fire safety of the department of fire services.

"Fire Protection and Life Safety Systems", any equipment or system relating to fire protection, fire detection, fire warning, fire suppression or carbon monoxide alarms installed in any occupancy defined in 780 CMR or as otherwise defined by the Board of Fire Prevention Regulations through regulation.

"Fire Safety Code", the comprehensive regulations promulgated by the Board of Fire Prevention Regulations pursuant to the provisions of Section 4 of Chapter 22D of the General Laws and pursuant to this chapter.

"Head of the fire department", the chief executive officer of the fire department in a city, town, fire district, the 104th fighter wing fire department or the Massachusetts military reservation fire department having such an officer, otherwise the fire commissioner, board of fire commissioners or fire engineers, or commissioner of public safety; and, in towns not having a fire department, the chief engineer, if any, otherwise the chairman of the board of selectmen.

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PART IADMINISTRATION OF THE GOVERNMENT TITLE XXPUBLIC SAFETY AND GOOD ORDER CHAPTER 148FIRE PREVENTION Section 26AAutomatic sprinklers in high rise buildings; enforcement; appeals

Section 26A. Every building or structure of more than seventy feet in height above the mean grade shall be protected with an adequate system of automatic sprinklers in accordance with the provisions of the state building code state fire code, except that sprinklers shall not be required to be installed in patient rooms in hospitals. The head of the fire department shall enforce the provisions of this section.

Whoever is aggrieved by the head of the fire department's interpretation, order, requirement, direction or failure to act under the provisions of this section, may, within forty-five days after the service of notice thereof, appeal from such interpretation, order, requirement, direction, or failure to act, to the board of appeals as provided in the state building code state fire code and section twenty-three of chapter twenty-three B.

PART I ADMINISTRATION OF THE GOVERNMENT TITLE XX PUBLIC SAFETY AND GOOD ORDER CHAPTER 148 FIRE PREVENTION Section 26B Automatic fire warning and smoke detection systems in certain buildings; enforcement; appeals

Section 26B. Every building or structure not exceeding seventy feet in height above the mean grade erected or substantially altered to be occupied for residential purposes shall be protected with an approved automatic fire warning system in accordance with the provisions of the state building code state fire code. Such system shall include the features of automatic smoke detection in conjunction with the approved fire detection devices.

The head of the fire department as defined in section one shall enforce the provisions of this section.

Whoever is aggrieved by the head of the fire department's interpretation, order, requirement, direction or failure to act under the provisions of this section, may, within forty-five days after the service of notice thereof, appeal from such interpretation, order, requirement, direction, or failure to act, to the board of appeals as provided in the state building code and section twenty three of chapter twenty three B Fire Prevention Regulations appeals Board as provided in Chapter 22D, section 5.

PART I ADMINISTRATION OF THE GOVERNMENT TITLE XX PUBLIC SAFETY AND GOOD ORDER CHAPTER 148 FIRE PREVENTION

Section 26F1/2 Carbon monoxide alarms required in certain residential structures; regulation; inspections; enforcement

Section 26F1/2. (a) Every dwelling, building or structure, including those owned or operated by the commonwealth, occupied in whole or in part for residential purposes, that:

- (1) contains fossil-fuel burning equipment including, but not limited to, a furnace, boiler, water heater, fireplace or any other apparatus, appliance or device that burns fossil fuel; or
- (2) incorporates enclosed parking within its structure shall be equipped by the owner with working, approved carbon monoxide alarms in conformance with the requirements of the board of fire prevention regulations; provided, however, that such requirements shall include, but not be limited to, a requirement that a landlord or superintendent shall install either approved monitored battery-powered alarms or approved electrical wiring alarms as defined by the board, as are required to make the alarms operational at the beginning of any rental period by lease or otherwise and shall maintain and, if necessary, replace batteries or such battery-operated or electric hardwired carbon monoxide alarms annually thereafter to insure their continued operability.
- (b) The board of fire prevention regulations shall promulgate such regulations as may be necessary to effectuate this section including, but not limited to, the type, installation, location, maintenance and inspectional requirements of carbon monoxide alarms.
- (c) Every dwelling, building or structure, occupied in whole or in part for residential purposes, shall, upon sale or transfer of such dwelling, building or structure, be inspected by the head of the fire department for compliance with the requirements of this section.
- (d) The state building code may impose stricter carbon monoxide alarm requirements for new construction or dwellings, buildings, or structures substantally renovated so as to constitute the equivalent of new construction. Every such dwelling building or structure, occupied in whole or in part for residential purposes, shall, upon sale or transfer of such dwelling, building or structure, be inspected by the head of the fire department for compliance with the carbon monoxide alarm requirements of the state building code in effect on the date of the issuance of the relevant building permit.
- (e) The head of the fire department shall enforce this section.
- (f) The department of public health shall promulgate such rules and regulations as may be necessary to effectuate subsection (a) into the state sanitary code as established under section 127A of chapter 111.

PART IADMINISTRATION OF THE GOVERNMENT TITLE XXPUBLIC SAFETY AND GOOD ORDER CHAPTER 148FIRE PREVENTION Section 26GAutomatic sprinkler systems required for buildings and structures totaling more than 7,500 gross square feet

Section 26G. Every building or structure, including any additions or major alterations thereto, which totals, in the aggregate, more than 7,500 gross square feet in floor area shall be protected throughout with an adequate system of automatic sprinklers in accordance with the provisions of the state building code state fire code. No such sprinkler system shall be required unless sufficient water and water pressure exists. For purposes of this section, the gross square footage of a building or structure shall include the sum total of the combined floor areas for all floor levels, basements, sub-basements and additions, in the aggregate, measured from the outside walls, irrespective of the existence of interior fire resistive walls, floors and ceilings. This section shall not apply to buildings used for agricultural purposes as defined in section 1A of chapter 128.

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PART IADMINISTRATION OF THE GOVERNMENT TITLE XXPUBLIC SAFETY AND GOOD ORDER CHAPTER 148FIRE PREVENTION Section 26G1/2Nightclubs, dance halls, discotheques, bars; adequate system of automatic sprinklers

Section 26G1/2. For the purpose of this section the term "adequate system of automatic sprinklers" shall include: (1) a working automatic sprinkler system; (2) fire alarm system control equipment which provides notice of an emergency within a place of assembly; and (3) adequate monitoring of and reporting of any activation of the automatic sprinkler system and fire alarm equipment, in accordance with the state building code state fire code in effect at the time of the installation of such system and equipment.

Every building or structure, or portions thereof, of public assembly, with a capacity of 100 persons or more, that is designed or used for occupancy as a nightclub, dance hall, discotheque, bar, or for similar entertainment purposes, including all rooms, lobbies, and other spaces connected thereto and all means of egress and entrances, including any such public assembly located within a mixed use building or structure, including a building or structure owned or controlled by the commonwealth or a political subdivision thereof, (a) which is existing, or (b) for which an approved building permit was issued before December 1, 2004, shall be protected throughout with an adequate system of automatic sprinklers, in accordance with the state building code state fire code.

Any owner of a business designed or used for occupancy as a nightclub, dance hall, discotheque, bar or for similar entertainment purposes to which the second paragraph does not apply shall install a system of automatic sprinklers within the

building or structure in accordance with the state building code state fire code if the business: (1) violates the maximum capacity for such building or structure, as established by a duly recognized inspector of buildings, building commissioner or local inspector of a city, town or district or other duly recognized local inspector or inspector, as provided in chapter 143, 2 or more times during a 12?month period; or (2) violates the maximum capacity of such building or structure by a number greater than 1/2 of such maximum capacity as established by a duly recognized inspector of buildings, building commissioner or local inspector of a city, town or district or other duly recognized local inspector or inspector, as provided in chapter 143. Any owner of a building or structure required to install automatic sprinklers as a result of a violation of this paragraph shall do so within 1 year of being cited for such violation, and shall be responsible for the full costs of installation. Notwithstanding any general or special law to the contrary, any business owner cited for violating the maximum capacity for his place of business shall be subject to a \$10,000 fine for a first or second offense. A third such offense shall result in the business owner losing his license to operate in the commonwealth, and all food, entertainment and other licenses associated with his business. This paragraph shall be enforced by a duly recognized inspector of buildings, building commissioner or local inspector of a city, town or district or other duly recognized local inspector as provided in chapter 143, or any state official with concurrent jurisdiction. This section shall not apply to a place of assembly within a building, structure or portions thereof used principally as a house of worship, restaurant, lecture hall, auditorium, state or local government building, educational function facility, or other similar place of assembly. Temporary use of such a building or structure or portions thereof as a nightclub, dance hall, discotheque, bar or for similar entertainment purposes, may be allowed if a permit is issued for such use by the head of the fire department in consultation with the local building inspector or inspector who may set the terms and conditions to protect against fire and preserve public safety.

Whoever is aggrieved by an interpretation, order, requirement or direction of the head of the fire department under this section, or, whoever is aggrieved by a failure of the head of the fire department to take action under this section, may, within 45 days after the service of notice of such interpretation, order, requirement or direction, or, after 45 days of such failure to act, appeal from such interpretation, order, requirement, direction or failure to act to the automatic sprinkler appeals board as provided in section 201 of chapter 6.

The cost of installing an adequate system of automatic sprinklers pursuant to this section shall be borne in its entirety by the owner of the building or structure. Except as provided in the third paragraph, the head of the fire department shall enforce this section.

PART I ADMINISTRATION OF THE GOVERNMENT TITLE XX PUBLIC SAFETY AND GOOD ORDER CHAPTER 148 FIRE PREVENTION Section 26H Lodging or boarding houses; automatic sprinkler systems

Section 26H. In any city or town which accepts the provisions of this section, every lodging house or boarding house shall be protected throughout with an adequate system of automatic sprinklers in accordance with the provisions of the state building code state fire code. No such sprinkler system shall be required unless sufficient water and water pressure exists. In such buildings or in certain areas of such buildings, where the discharge of water would be an actual danger in the event of a fire, the head of the fire department shall permit the installation of such other fire suppressant systems as are prescribed by the state building code in lieu of automatic sprinklers. The head of the fire department shall enforce the provisions of this section.

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PART I ADMINISTRATION OF THE GOVERNMENT TITLE XX PUBLIC SAFETY AND GOOD ORDER CHAPTER 148 FIRE PREVENTION Section 26IMultiple dwelling units; new construction; automatic sprinkler systems

Section 26I. In a city, town or district which accepts the provisions of this section, any building hereafter constructed or hereafter substantially rehabilitated so as to constitute the equivalent of new construction and occupied in whole or in part for residential purposes and containing not less than four dwelling units including, but not limited to, lodging houses, boarding houses, fraternity houses, dormitories, apartments, townhouses, condominiums, hotels, motels and group residences, shall be equipped with an approved system of automatic sprinklers in accordance with the provisions of the state building code state fire code. In the event that adequate water supply is not available, the head of the fire department shall permit the installation of such other fire suppressant systems as are prescribed by the state building code in lieu of automatic sprinklers. Owners of buildings with approved and properly maintained installations may be eligible for a rate reduction on fire insurance.

Whomever is aggrieved by the head of the fire departments interpretation, order, requirement, direction, or failure to act under the provisions of this section, may, within forty-five days after the service of notice thereof, appeal from such interpretation, order, requirement, direction, or failure to act to the automatic sprinkler appeals board as provided in Section 201 of Chapter 6.

PART I ADMINISTRATION OF THE GOVERNMENT TITLE XX PUBLIC SAFETY AND GOOD ORDER CHAPTER 148 FIRE PREVENTION Section 28 Regulations to prevent fire hazards and fires

Section 28. The board shall make such rules and regulations, and the head of the fire department shall make such orders or rules not inconsistent therewith, as may be necessary to promulgate a comprehensive fire safety code for the following purposes:

- (1) to prevent or remedy any condition in or about any building, structure or other premises or any ship or vessel which may tend to become a fire hazard or to cause a fire.
- (2) to provide adequate safety requirements for the protection of the public in the event of a fire in or about any building, structure or other premises or any ship or vessel, including the regulation of fire drills for theaters, schools, hospitals and elderly housing complexes.
- (3) to provide for the safe storage, use, handling and manufacturing of corrosive liquids, oxidizing materials, toxic materials or poisonous gases.
- (4) to provide adequate standards for the design, installation, or maintenance of fire protection and life safety systems in buildings or structures.