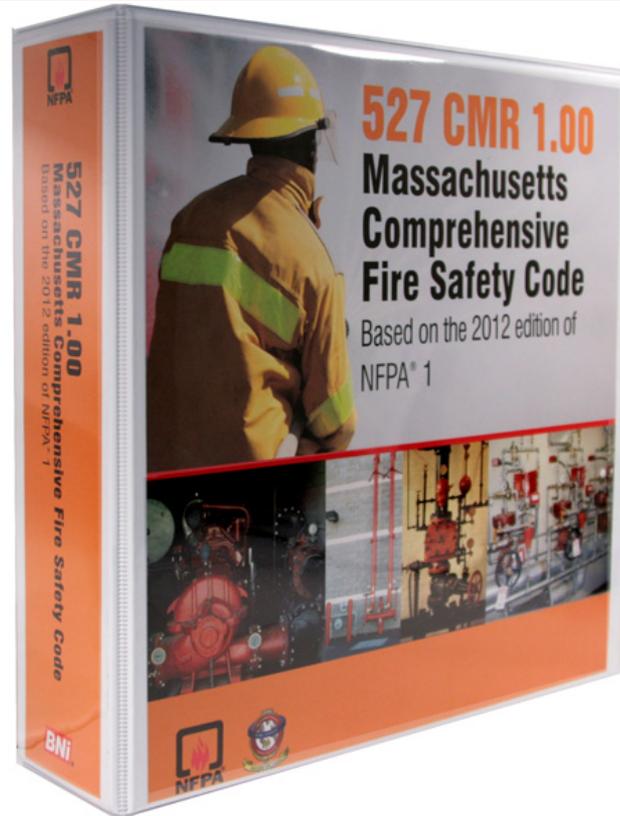




DEPARTMENT OF FIRE SERVICES

Division of Fire Safety



Licenses, Permits and Permitting

Licenses, Permits and Permitting

Massachusetts General Law Chapter 148
527 CMR 1.00



DEPARTMENT OF FIRE SERVICES
Division of Fire Safety

Overview

- License Requirements
- License Process
- Statutory-Regulatory Relationship
- Statutory authority to issue permits
- Application for permit form-Permit Form



Overview (continued)

- Issuance of Permits
- Denial of Permits
- Conditions of Permits
- Regulatory requirements for permits



Chapter 148, Section 13

- Confers authority upon BFPR to set license quantities
- Establishes License Process
- Establishes Registration Requirements
- Establishes License Revocation process



Chapter 148, Section 14

- Declares that gasoline when stored in the tank of a motor vehicle is subject to the licensing provisions of Section 13.
 - Establishes certain exemptions



Licenses

License Quantities

- The Board has established quantities of materials requiring a license.
- Fireworks, Fuel Oil, Compressed Gases, Flammable/Combustible Liquids, Explosives.
- Quantities formerly found in individual chapters of 527 CMR (2,4,14,13)
- Now Found in Table 1.12.8.50



Table 1.12.8.50 Permits Required (Continued)

Materials	Quantities	Permit	License
Small arms ammunition primers [private use]	<10,000 caps or other small arms primers	Yes	No
	> 10,000 caps or other small arms primers	No	Yes
Small arms ammunition primers [commercial use]	< 100,000 caps or other small arms primers	Yes	No
	> 100,000 caps or other small arms primers caps or other small arms primers	No	Yes
Smokeless propellants [private and commercial] <i>Note: Persons under 18 years of age may not keep or store smokeless propellants. Note: Not more than two pounds of such propellant shall be stored in a multiple family dwelling or a building of public access.</i>	< 16lbs.	No	No
Smokeless propellants [private]	> 16 lbs.	Yes	No
	> 48 lbs.	No	Yes
Smokeless propellants [commercial]	< 100 lbs.	Yes	No
	> 100 lbs.	No	Yes
Black powder [private and commercial] <i>Note: Persons under 18 years of age may not keep or store any amount of black powder</i>	< 2 lbs.	No	No
Black powder [private]	< 5 lbs.	Yes	No
	> 5 lbs.	No	Yes
Black powder [commercial] See Section 1.12.8.39.2.5.1 for permit exemption individual.	< 50 lbs.	Yes	No
	> 50 lbs.	No	Yes
Special industrial explosive devices	< 50 lbs. net weight of explosives	No	No
	> 50 lbs. net weight of explosives	No	Yes
Explosive material. <i>Note: Fireworks can be stored up to 30 days without a land license.</i>	classified Division 1.1 – 1.6	Yes	Yes
LP – Gas.	< 42 lbs. [10 gallons]	No	No
	> 42 lbs. [10 gallons]	Yes	No
	> 2,000 gallons of LP – Gas in the aggregate	Yes	Yes
Flammable or class II combustible liquids unattended within cargo tanks, portable tanks or transfer tanks on a parcel of land. This shall not apply to parcels of land permitted by the Head of the Fire Department prior to September 1, 2008	< 15,000 gallons in the aggregate	Yes	No
	> 15,000 gallons in the aggregate	No	Yes

1.12.8.51 Certificates of Completion. A certificate of completion shall be filed as provided in *Table 1.12.8.51*.

1.12.8.51.1 A person making the installation of an oil burner shall within 72 hours (excluding Saturday, Sunday and holidays) after test-firing the burner, file such certificate of completion.

1.12.8.51.2 Inspection. Upon receipt of a certificate of completion, the Head of the Fire Department shall make an inspection of the installation within a reasonable time and, if same is found to be in accordance with this Code, the AHJ shall issue to the owner or occupant an applicable permit.

Table 1.12.8.50 Permits Required

Materials	Quantities	Permit	License
Class I liquids <i>Note. Gasoline may be used, kept, or stored in any building not used for habitation nor frequented by the public, < 7 gallons and provided the gasoline is stored in one or more approved containers without a permit.</i>	<793 gallons*	yes	no
<i>Note: See alcohol based hand rub Section 1.12.8.1.6.</i>			
*In containers of 60 gallons capacity or less or in portable tanks over 60 gallons capacity not intended for fixed use, including intermediate bulk containers (IBCs) designed for mechanical handling.	> 793 gallons	yes	yes
Class I liquids ** In storage tanks having a liquid capacity that exceeds 60 gallons capacity, intended for fixed installation, and not used for processing.	< 10,000 gallons**	yes	no
	> 10,000 gallons	yes	yes
Class II liquids	< 10,000 gallons	yes	no
	> 10,000 gallons	Yes	Yes
Class IIIA liquids	< 10,000 gallons	Yes	No
	> 10,000 gallons	Yes	Yes
Class IIIB liquids	< 10,000 gallons	Yes	No
	> 10,000 gallons	Yes	Yes
Solids	< 100 lbs	Yes	No
	> 100 lbs.	Yes	Yes
Flammable gases (within a building)	< 3,000 cubic feet	Yes	No
	> 3,000 cubic feet	Yes	Yes
Flammable gases (outside a building)	< 10,000 cubic feet	Yes	No
	> 10,000 cubic feet	Yes	Yes
Fuel oil that may be kept for use in a building or other structure	< 10,000 gallons of light or of heavy	Yes	No
	> 10,000 gallons of light or of heavy	Yes	Yes
Small arms ammunition of rim fire ammunition [private use]	< 10,000 rounds	No	No
	> 10,000 – 30,000 rounds	Yes	No
	> 30,000 rounds	No	Yes
Small arms ammunition of center fire ammunition. [private use]	< 10,000 rounds	No	No
	> 10,000 – 50,000 rounds	Yes	No
	> 50,000 rounds	No	Yes
Small arms ammunition of shotgun ammunition. [private use]	< 5,000 rounds	No	No
	> 5,000 rounds – 50,000 rounds	Yes	No
	> 50,000 rounds	No	Yes
Small arms ammunition primers [private and commercial]	< 1,000 caps or other small arms primer	No	No



License Process

- Application for a license is made on an FP-2A (available on the DFS web site)
- License application is signed by the head of the fire department with his/her approval or disapproval, and any proposed restrictions.
- The “licensing authority” holds a public hearing after notification to the abutters and notice in a local newspaper at least 7 days in advance of hearing.



License Process

- Licensing Authority holds a public hearing.
- Licensing Authority votes to grant or deny the license or grant with restrictions.
- The license is issued on a FP-2 (available on the DFS web site)



Additional information on licensing

- [Guidelines for Municipal Officials on the Issuance and or Reconstruction of Licenses Granted under Massachusetts General Law, Chapter 148 Section 13](#)
- [A Guide for Municipal Officials on Licensing the Storage of Flammables, Combustibles and Explosives](#)
- (Available on the Forms page of the DFS Web site.)



Permits

Statutes

- Massachusetts General Law, Chapter 148, Sections 9,9A,10, 23, 25C, 25D, 38, 39A authorize the Board to promulgate general and specific rules and regulations relative to fire prevention.



Statutes

- Massachusetts General Law, Chapter 148, Section 10A
 - Authorizes the head of the fire department to grant such permits as required by the rules and regulations of the Board
 - Authorizes the head of the fire department to make inspections
 - Have such powers and duties in connection therewith as the Marshal may direct.



Application for Permit Form

- Usually on a form provided by the Marshal.
- May be a combined application/permit form.
- Communities may in most cases create their own variety of application forms. There are several exceptions when the official form must be used which we will discuss.





The Commonwealth of Massachusetts

City/Town of _____



Application for Standard Permit

FP-006 (Rev. 04/12)

Return completed application to: _____

Permit Number: _____

City or Town: _____

Date: _____

DIG SAFE NUMBER

Start Date: _____

In accordance with the provisions of M.G.L. Chapter 148, as provided in Section _____ application is hereby made

by _____ (Full Name of Person, Firm or Corporation) _____ (Phone Number)

of _____ (Address: Street or P.O. Box, City or Town, Zip Code)

for permission to (state clearly purpose for which permit is requested) _____

Name of Competent Operator (if applicable) _____ Cert. No. _____

Date Issued-rejected _____ By _____ (Signature of Applicant)

Date of expiration _____ Fee _____ Amount Paid \$ _____

Handwritten mark



The Commonwealth of Massachusetts

City/Town of _____



PERMIT

FP-006 (Rev. 04/12)

City or Town: _____

Date: _____

Permit Number (if applicable): _____

DIG SAFE NUMBER

Start Date: _____

In accordance with the provisions of M.G.L. Chapter 148, as provided in _____ this permit is granted

to _____ (Full Name of Person, Firm or Corporation)

for _____

Restrictions: _____

at _____ (Street and # or Describe Location for Adequate Identification)

Fee Paid \$ _____ This permit will expire on _____

Signature of Official Granting Permit: _____ Title _____

This permit must be conspicuously posted upon the premises

Permit Forms

- Usually on a form provided by the Marshal.
- May be a combined application/permit form.
- Communities may in most cases create their own variety of application forms. There are several exceptions when the official form must be used which we will discuss.



Conditions of a Permit (1.12.6)

- Continuing compliance with the code.
- Does not take the place of other required permits.
- Any changes that effect the conditions of the permit require a new or amended permit.
- Issued to one person/business/or location
- Does not permit violation of the code.
- Permission to inspect the premises.



Issuance of Permits

- Should be acted on promptly.
- Avoid granting verbal permits
- Clearly state any conditions or restrictions on the permit.
 - Attach addition pages if needed.



Denial of Permits

- Should be in writing, citing the specific, statute, regulation or standard and the reason for denial.
- The reason for denial needs to be based on an objective reason.
 - “Because I said so” or “I don’t like it” are not objective, legally defensible reasons to deny a permit.



Revocation of Permits (1.12.7)

- False statements, documents.
- Violations of Chapter 148 and or 527 CMR 1.00:
- Violations of the conditions/restrictions of the permit.
- Should be done in writing.



Statutes

- Massachusetts General Law, Chapter 148, Section 10A
 - The head of the fire department is required to keep records of all permits issued.
 - The head of the fire department is required to provide information on permits as required by the Marshal.
 - The head of the fire department or the Marshal may revoke a permit **for cause**.



Permitting Requirements

- Found in the tables in Chapter 1 of 527 CMR 1.00.
 - Tables correspond to the various Chapters of 527 CMR 1.00



Table 1.12.8.1 Permits Required

Chapters 10	General Requirements		
Work/ Activity	Issuing Authority	Code Section/MGL	
Open Air Burning	Forest Warden	Section 10.11.1.1	
Burning demolition/building debris.	Head of Fire Department	Section 10.11.4 for open fires	
Ceremonial Bonfires		M.G.L. c. 111, § 142H and I Section 10.11.4.1 and 10.11.4.2	
Use of candles, open flames, and portable cooking in assembly areas, dining areas of restaurants, and drinking establishments		Section 10.11.1	
Burning of Christmas trees.		M.G.L. c. 111, § 142G Section 1.12.8 and 10.11.4 and 10.14	
Use of torch or other flame or heat producing device.		Section 10.11.9.1	
Use of canine guards.		Section 10.22.1	
Fumigation and insecticidal fogging.		Section 10.21.1	
Storage of combustible goods >2,500 cu. ft. (70.8 m ³) gross volume.		Section 10.19.2 Section 10.16.2	

1.12.8.2 Oil Burners and Fuel-Oil.**1.12.8.2.1 Permit Requirements.**

1.12.8.2.1.1 In accordance with M.G.L. c.148, §38J, on a form approved by the State Fire Marshal, a document indicating that each fuel line is enclosed with a continuous non-metallic sleeve or is otherwise equipped with an oil safety valve, shall be submitted with the application for permit, when applicable.

1.12.8.2.1.2 Inspection.

1.12.8.2.1.2.1 If after 30 days, an inspection is not conducted, the delivery of fuel oil shall not be prohibited for lack of a permit to store.

1.12.8.2.2 Permit Not Required.

1.12.8.2.2.1 A permit shall not be required for routine maintenance, such as the replacement of nozzles, ignition electrodes, or filters; however, a combustion performance test shall be conducted.

1.12.8.2.3 Emergency Conditions.

1.12.8.2.3.1 If an oil burner installation is made under emergency conditions, said application shall be made within 24 hours thereafter, excluding Saturdays, Sundays and holidays.

1.12.8.2.4 Fuel Oil Deliveries.

1.12.8.2.4.1 Fuel oil shall not be delivered to any storage tank unless the deliverer has knowledge that a permit has been obtained.

1.12.8.2.4.1.1 Such knowledge may be considered to consist of any of the following:

- (1) Verification by the Head of the Fire Department that such a permit is in effect.
- (2) Written verification from the owner or customer that the permit is either in his possession or is posted on the premises.
- (3) Observation that such a permit is in the possession of the owner or customer, or is posted on the premises.

Examples of New Subjects Permitted

- Compressed gases
- Hazardous Materials



Examples of Subjects no Longer Permitted

- Installation of Underground Storage Tank installation.
- Maintenance permits for USTs (FP-290 – Part 3)
- Fire protection system installation .



Questions???

Thank you



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Division of Fire Safety
