

530 CMR FIRE SAFETY COMMISSION

530 CMR 2.00: INSTALLATION OF AUTOMATIC SPRINKLERS IN HIGH RISE BUILDINGS AND STRUCTURES

Section

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2.01: Administration and Enforcement

(1) Title. 530 CMR 2.00 shall be known as the Commonwealth of Massachusetts Fire Safety Commission Regulations for the Installation of Automatic Sprinklers in High Rise Buildings or Structures, hereinafter referred to as 530 CMR 2.00.

(2) Scope. 530 CMR 2.00, in accordance with M.G.L. c. 6, § 200 and c. 148, § 26A½ shall control the installation of automatic sprinklers in all high rise buildings or structures of more than 70' above the mean grade and constructed prior to January 1, 1975.

(3) Applicability. The provisions of 530 CMR 2.00 shall apply to all high rise buildings or structures more than 70' above the mean grade and constructed prior to January 1, 1975; and shall apply with equal force to municipal, county, state, state authorities of or established by the legislature and private buildings or structures except where such buildings or structures, or portions thereof, are exempted by statute.

EXCEPTIONS: Automatic sprinklers shall not be required to be provided in:

- (a) Patient rooms in hospitals.
- (b) Public or private libraries.
- (c) Buildings where construction has commenced prior to January 1, 1975 and which have been submitted to the provisions of M.G.L. c. 183A.
- (d) Rooms or areas of a telephone central office equipment building when such rooms or areas are protected with an automatic fire alarm system.

(4) Authority. Under authority granted by St. 1986, c. 633, the Fire Safety Commission, hereinafter known as "the Commission", is empowered in the interest of public safety and general welfare to alter, rescind, amend, and repeal in accordance with M.G.L. c. 30A, and 530 CMR 2.00 and to interpret and implement the provisions of 530 CMR to secure the intent thereof.

(5) Enforcement.

- (a) Head of the Fire Department: The head of the fire department shall enforce and administer the provisions of 530 CMR 2.00 in addition to his duties of review and approval of plans as required by the Massachusetts State Building Code (780 CMR).
- (b) Building Official: The building commissioner or the inspector of buildings shall enforce all applicable provisions of 780 CMR, with the exception of the duties required and reserved to the head of the fire department.

(6) Application for Permit. An application for a permit shall be submitted to the building official prior to the installation of any portion of an automatic sprinkler system and shall describe all structural, mechanical, and electrical work required to conform to 530 CMR 2.00 and the provisions of 780 CMR. The permit application shall contain a general description of any asbestos removal or encapsulation. The application for permit shall be submitted in such a form as the building official may prescribe and shall be accompanied by the required permit fee. The building official shall forward a copy of the permit application to the head of the fire department for his records. The codes in effect at the time of issuance of the permit shall apply.

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(7) Plans and Specifications. The application for the permit shall be accompanied by three copies of specifications and plans drawn to scale, with sufficient clarity and detail dimensions to show the nature and character of the work to be performed. The plans shall contain a certification by a Massachusetts registered professional engineer that the existing structure can support the weight of the sprinkler system and that the method of support of the piping is adequate. The automatic sprinkler system plans shall bear the seal and signature of a Massachusetts registered professional engineer. The building official shall forward one copy of the plans and specifications to the head of the fire department for his review and approval.

(8) Compliance. No work shall proceed until the permit has been issued by the building official and with the approval of the head of the fire department. The permit shall be a license to proceed with the work and shall not be construed as authority to violate, cancel, or set aside any of the provisions of 780 CMR or 530 CMR, except as specifically stipulated by modification or legally granted variation in accordance with 530 CMR 2.04. All work shall conform to the stamped or endorsed application and plans for which the permit has been issued.

(9) Approved Materials and Equipment. All materials, equipment, devices, systems, or methods of installation for automatic sprinkler systems shall be subject to the approvals as required by 780 CMR 110.0 unless herein provided by 530 CMR 2.00.

(10) Accepted Engineering Practice. If not otherwise specified in 530 CMR, the specifications regulations, and standards listed in the appropriate appendices of 780 CMR shall be deemed to represent accepted engineering practice with respect to the material, equipment, device, system or method of installation for automatic sprinkler systems therein specified.

(11) Variations/Modifications. When there exists manifest injustice involved in carrying out structural or mechanical provisions of 780 CMR or 530 CMR regarding the installation of automatic sprinkler systems in buildings or structures as controlled by 530 CMR 2.00, the Automatic Sprinkler Appeals Board may allow a variance or a modification from such provisions as applied for by the owner as provided in 530 CMR 2.04, provided that the decision of the appeals board shall not conflict with the general objectives of 780 CMR, 530 CMR and its enabling legislation and provided that no decision shall be considered by any person or agency as a precedent for future decisions.

2.02: Definitions

(1) Meaning. Unless otherwise expressly stated, the following terms shall, for the purpose of 530 CMR 2.00, have the meaning indicated in 2.02.

(2) Tense, Gender, and Number. Words used in the present tense include the future; words used in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

(3) Terms not Defined Herein. Refer to 780 CMR, and where terms are not defined, they shall have their ordinarily accepted meanings or such as the context may imply.

Accepted Engineering Practice. That which conforms to accepted principles, tests, or standards of nationally recognized technical or scientific authorities.

Alley. A secondary thoroughfare less than 30' in width dedicated for the public use of vehicles and pedestrians, affording access to abutting property.

Approved. Approved by the head of the fire department, the building official, or other authority having jurisdiction.

Approved Material, Equipment and Methods. Approved by the Massachusetts Board of Building Regulations and Standards or by an agency approved by the Massachusetts Board of Building Regulations and Standards.

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Automatic Sprinkler. A device, connected to a water supply system, that opens automatically at a predetermined fixed temperature and discharges a spray of water.

Automatic Sprinkler System. A sprinkler system for fire protection purposes, is an integrated system of underground and/or overhead piping designed in accordance with fire protection engineering standards. The system includes a suitable water supply. The portion of the system above ground is a network of specially or hydraulically designed piping installed in a building, structure, generally overhead, and to which automatic sprinklers are connected in a systematic pattern. The system is usually activated by heat from a fire and discharges water over the fire area. The system includes all required alarm and supervisory devices as required by applicable provisions of 780 CMR.

Building/Structure. A structure enclosed within exterior walls or firewalls, built, erected and framed of a combination of any materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals or property. For the purpose of this definition, "roof" shall include an awning or any similar covering, whether or not permanent in nature. The word "building" shall be construed where the context requires as though followed by the words "or part or parts thereof".

Building Official. The officer or other designated authority charged with the administration and enforcement of 780 CMR. Building official as used herein includes the building commissioner or the inspector of buildings and the local inspector.

Fire Safety Commission. The Fire Safety Commission established by M.G.L. c. 6, § 200.

Floor Area, Gross. Gross floor area shall be the floor area within the perimeter of the outside walls of the building under consideration, without deduction for hallways, stairs, closets, thickness of walls, columns, or other features.

Grade. A reference plane representing the average of finished ground level adjoining the building at all exterior walls.

Gross Square Footage. The sum total of the floor areas (gross) of a building or structure for all floor levels including basements and sub-basements, measured from the outside walls irrespective of the existence of interior fire resistive walls, floors and ceilings.

Head of the Fire Department. The chief executive officer of the fire department in a city, town or fire district 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.

Height, Building. The vertical distance from the grade to the top of the highest roof beams of a flat roof, or to the mean level of the highest gable or slope of a hip roof. When a building faces on more than one street, the height shall be measured from the average of the grades at the center of each street front. For exceptions reference 780 CMR 308.3..

High Rise Building or Structure. Those buildings or structures which are controlled by 530 CMR 2.01(2) and (3).

Historic Buildings. See 780 CMR 436.2.

Mean Grade. See grade.

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Owner. Every person who alone or jointly or severally with others (a) has legal title to any building or structure; or (b) has care, charge, or control of any building or structure in any capacity including but not limited to agent, executor, executrix, administrator, administration, trustee or guardian of the estate of the holder of legal title; or (c) lessee under a written letting agreement; or (d) mortgagee in possession; or (e) agent, trustee or other person appointed by the courts. Each such person is bound to comply with the provisions of 530 CMR 2.00.

Permit. An official document or certificate issued by the authority having jurisdiction authorizing performance of a specified activity.

Person. Every individual, partnership, corporation, firm, association, trustee or group, including a city, town, county, authority or other governmental unit, owning property or conducting any activity regulated by 530 CMR 2.00.

Street. A public thoroughfare (street, avenue, boulevard, alley) which has been dedicated for public use.

Structure. (see building)

Written Notice. A notification in writing delivered in person to the individual or parties intended, or delivered at, or sent by certified or registered mail to the last residential or business address of legal record.

2.03: Implementation

(1) General. Any owner of a building or structure constructed prior to January 1, 1975, which building or structure exceeds 70' in height above mean grade shall submit to the head of the fire department of their city or town wherein such building or structure is located a statement of intent, schedule, and Fire Protection Systems Data Sheet as provided by the Commission for the installation of a complete automatic sprinkler system in compliance with the provisions of M.G.L. c. 148, § 26A½. Such information must be filed with the head of the fire department and the Commission within 45 days of the filing of the final regulations with the state secretary as provided in M.G.L. c. 30A, and shall contain a compliance schedule that is in accordance with the dates included in M.G.L. c. 148, § 26A½.

(2) Notice. Upon the filing of 530 CMR 2.00 with the state secretary, the head of the fire department shall serve notice on the building or structure owner or the person responsible that said building or structure is within the scope and applicability of 530 CMR 2.00. The notice shall be in writing and shall be served on the person responsible:

- (a) personally, by any person authorized by the head of the fire department; or
- (b) by sending him a copy of the order by registered or certified mail return receipt requested.

(3) Schedules. Any building or structure subject to the provisions of 530 CMR 2.00 shall comply with one of the following three schedules:

(a) Schedule 1

- 1. 1/3 of the gross square footage of the building or structure shall be equipped with automatic sprinklers by January 1, 1991;
- 2. 2/3 of the gross square footage of the building or structure shall be equipped with automatic sprinklers by January 1, 1994;
- 3. and the entire gross square footage of the building or structure shall be equipped with automatic sprinklers by January 1, 1997.

(b) Schedule 2

- 1. the entire gross square footage of the building or structure shall be equipped with automatic sprinklers by January 1, 1994.
- 2. the owner of any building or structure affected by 530 CMR 2.03(3) if he elects to comply with Schedule 2 as provided in 530 CMR 2.03(3)(B)(1) shall be deemed to have waived his right to any extension of time.

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(c) Schedule 3

1. the building or structure shall be equipped with automatic sprinklers in all corridors; lobbies; exit accessways; elevator lobbies; exitways; stairways; places of assembly. The installation of automatic sprinklers in the above areas by January 1, 1991 shall be considered equivalent to complying with 530 CMR 2.03(3)(a)1.;
2. $\frac{2}{3}$ of the gross square footage of the building or structure shall be equipped with automatic sprinklers by January 1, 1994;
3. and the entire gross square footage of the building or structure shall be equipped with automatic sprinklers by January 1, 1997.

(4) Owner's Report. At the end of each calendar year the building owner shall submit to the head of the fire department and the Commission a statement of progress that summarizes all automatic sprinkler equipment installed if any, including but not limited to, the square footage covered by the automatic sprinkler equipment and locations of said equipment. The head of the fire department may request additional summaries between the start and end of the calendar year. The building owner shall submit the requested summary within seven days of said request to the head of the fire department and the Commission. All summaries shall carry the seal and signature of a Massachusetts notary public.

(5) Inspections. The head of the fire department or persons authorized by the head of the fire department shall have the right to inspect any building or structure affected by 530 CMR 2.00 for compliance with 530 CMR 2.00 and provisions of M.G.L. c. 148.

2.04: Appeals

(1) Automatic Sprinkler Appeals Board. Whoever is aggrieved by the head of the fire department's interpretation, order, requirement, direction or failure to act under the provisions of M.G.L. c. 148, § 26A $\frac{1}{2}$, may appeal directly to the Automatic Sprinkler Appeals Board as provided in 530 CMR 2.04(4). In the event an appeal is taken directly to the Automatic Sprinkler Appeals Board from an interpretation, order, requirement, or direction, said appeal shall be filed as specified in 530 CMR 2.04(4) with the Automatic Sprinkler Appeals Board not later than 45 days after the service of notice thereof of the interpretation, order, requirement or direction. In the event the appeal is taken to the Automatic Sprinkler Appeals Board for the failure to act, the appeal shall be taken not later than 45 days after a request to act has been made by the aggrieved person in writing and served upon the head of the fire department of the local fire department which fails to act.

(2) Membership of Appeals Board. The Automatic Sprinkler Appeals Board, hereinafter referred to as "the Board", shall be selected from the membership of the Fire Safety Commission. The chairman of the Commission shall designate any five members of the Commission to act as The Appeals Board to hold a public hearing under 530 CMR 2.04 and to hear testimony and take evidence. The chairman of the Commission shall select one of the five members to act as chairman of The Appeals Board. For the five member Board every decision shall require the concurrence of at least four of the five members of the Board.

(3) Clerk. The Commissioner of the Department of Public Safety, or his designee, shall designate one of the staff of the Commission to act as clerk to the Board. The clerk shall keep a detailed record of all decisions and appeals and a docket book on file showing the name of each appeal properly indexed and the disposition of the appeal. Said docket book shall be open to public inspection at all times during normal business hours.

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(4) Appeals Procedure for the Automatic Sprinkler Appeals Board. Appeals shall be entered on forms provided by the Commission and shall be accompanied by an entry fee of \$100 or such other amounts as may be determined by the Commission from time to time. The appeal shall be signed by the appellant or his attorney and shall note the name and address of the person or agency in whose behalf the appeal is taken and the address wherein service of notice for the appellant is to be made. The appeal shall also state in detail the interpretation, order, requirement, direction or failure to act which are the grounds of the appeals as well as the particular section or sections of 530 CMR and M.G.L. c. 148, § 26A½ which are involved in the appeal and the reasons for the appellant advances supporting the appeal. A copy of the appeal shall be served in accordance with 530 CMR 2.03(2)(a) or (b) by the appellant on the head of the fire department from whose action or inaction the appeal is taken, on or before entry of the appeal. An affidavit, under oath, that such copy has been served shall be filed with the Board forthwith by the appellant.

(5) Stay of Proceedings. Entry of an appeal shall stay all proceedings in furtherance of the action or failure to act appealed from, unless the head of the fire department charged with the administration or enforcement of 530 CMR 2.00 presents evidence and the Board, or a five member panel or a single member of the Board, appointed by the chairman for said purpose, finds that upon the evidence presented a stay would involve imminent peril to life or property. In such an event, stay of all proceedings shall be waived or the Board or five member panel or single member may order such other action necessary to preserve public safety. Before waiving the stay or proceedings, the Board or five member panel or single member of the Board, appointed by the chairman for said purpose, shall hold a hearing and give the appellant and the head of the fire department or any person claiming that a stay would involve imminent peril to life or property, notice in writing of the hearing not less than 24 hours before said hearing.

(6) Documents. Upon entry, the clerk shall request in writing from the state, city, regional or town officer in charge of the matter on appeal, a copy of the record and all other papers and documents relative to the appeal to be transmitted forthwith to the Board. Said state, city, regional or town officer shall upon receipt of the request of the Board transmit forthwith all the papers and documents and a copy of the record relating to the matter on appeal.

(7) Hearings. The chairman of the board shall fix a convenient time and place for a public hearing. Said hearings shall be held not later than 30 days after the entry of such appeal, unless such time is extended by agreement with the appellant. Any such party may appear in person or by agent or by attorney at such hearing. The chairman or clerk shall give notice of the time and place of said hearing to all parties to the hearing and to anyone else requesting notice in writing at least ten days prior thereto. Failure to hold a public hearing within 30 days shall not affect the validity of the appeal or any decision rendered. The Board or five member panel in its hearings conducted under 530 CMR 2.04 shall not be bound by strict rules of evidence prevailing in courts of law or equity.

(8) Decisions. If the appeal is conducted by a five member panel, then the concurrence of four of the five members holding the public hearing shall be required. On the finding of manifest injustice, the Board may grant a variance from any provision of M.G.L. c. 148, § 26A½ or from any provision of 530 CMR and may determine the suitability of alternate materials and methods of automatic sprinkler installation and may provide interpretations of M.G.L. c. 148, § 26A½ and 530 CMR; provided however, that the Board decisions shall not conflict with the general objectives of M.G.L. c. 148, § 26A½ and 530 CMR 2.00.

The Board shall vote at such hearing, and issue a decision or order reversing, affirming or modifying in whole or in part the order, interpretation, requirement, direction or failure to act which is the subject matter of the appeal. All decisions shall be in writing and state findings of fact, conclusions and reasons for decisions. Every decision shall indicate thereon the vote of each member and shall be signed by each member voting. A decision shall not be considered by any person or agency as a precedent for future decisions.

Notice of and a copy of the decision shall be sent by the clerk to all parties to the appeal and anyone requesting in writing a copy of the decision.

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(9) Enforcement. Upon receipt of the decision of the Board, the parties to the appeal shall take action forthwith to comply with the decision unless a later time is specified in the decision.

(10) Appeals from Automatic Sprinkler Appeals Board. Any person aggrieved by a decision of the Automatic Sprinkler Appeals Board may appeal to a court of law or equity in conformance with M.G.L. c. 30A, § 14.

REGULATORY AUTHORITY

530 CMR 2.00: M.G.L. St. 1986, c. 633.

NON-TEXT PAGE