

Guidelines for Municipal Officials on the Issuance and or Reconstruction of Licenses Granted under Massachusetts General Law, Chapter 148 § 13

PURPOSE

This guidance document is to clarify the requirements and procedures for the issuance of Licenses for the storage of flammables, combustibles and explosives. As you know, Massachusetts General Law Chapter 148, Section 13 requires land on which buildings or structures (such as storage tanks) that contain certain quantities of these products *be licensed*. This license is granted by local licensing authorities.

527 CMR 2 (Fireworks), 527 CMR 6 (LP-Gas), 527 CMR 13 (Explosives), and 527 CMR 14 (Flammables and Combustibles) specify the quantities of each material which require a license.

A license is granted by a local licensing authority and then is recorded in the office of the city or town clerk. From the time of its granting by the licensing authority, a license is deemed a grant attached to the land. A license is not a personal privilege. A certificate of registration must be filed annually on or before April thirtieth by the owner/occupant of the land who holds (exercises) the license.

Massachusetts General Law Chapter 148, Section 13 establishes the procedure under which local licensing authorities may grant licenses for the storage of flammable combustibles and explosives on the land. City and town clerks are required to maintain records of licenses that have been granted. Licenses must provide particulars on the license in such detail that the quantity of material, any restrictions imposed on storage, and the location of the licensed land will always be a matter of public record.

Chapter 148 establishes no set format for a license to store flammable, combustible and explosives granted in accordance with Massachusetts General Law, Chapter 148, Section 13. It is prudent that all licenses *in whatever format* contain *as a minimum* the following information:

- The date the license was issued;
- The location of the land (Street, Number, Assessors Map and Parcel ID);
- Owner of the land
- Address of the owner of the land

- Maximum quantity of storage containers (***all*** containers are considered full for the purpose of licensing and permitting).
- Type material to be stored (flammables, combustibles, fireworks, LP-gas, explosives) and the maximum quantity of each class of material;
- Restrictions, if any;
- The signature of the licensing authority;
- A statement that the license must be posted on the licensed land.

A license upon being granted must be filed with the office of the city or town clerk within the jurisdiction of the granting authority and shall become a record available to the public.

If Original License Cannot Be Found

There are occasions when licenses granted and records of licenses granted in the past may not be currently available. There are also instances where the original local license granting authority may also not be the same or currently available.

In these instances, if the city or town having jurisdiction recognizes the validity of such license. The following procedure may be used as *the next best available evidence of the existence of a previously granted license*.

This evidence may consist of a reconstruction of a license from available information or records on file with the office of the city or town clerk by the clerk, or the office of the local licensing authority by the local licensing authority, that tend to compel a prudent person to believe that a license has been granted in the past encompassing the stated terms of the license.

This reconstructed information should contain that information previously detailed in this policy.

Upon license reconstruction, this information shall become *the* license and shall be recorded as a license in the records of the city or town clerk which shall then become a matter of public record. This recording will serve as the license required by Massachusetts General Law, Chapter 148, Section 13, for the storage of flammables, combustibles and explosives on the land.

Land may only have one license for the storage of flammables and combustibles and explosives. Adding additional quantities of materials or changing the category of material is accomplished by amending the existing license. When a license is reconstructed, the date of the reconstructed license then become the license date. The current license shall contain the total aggregate capacity for which the land has been licensed.