

# HOUSE . . . . . No. 3237

By Mr. Rush of Boston, petition of Michael F. Rush and Thomas M. Menino clarifying enforcement of the State Fire Code by fire departments in cities and towns. State Administration and Regulatory Oversight.

## The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT CLARIFYING ENFORCEMENT OF THE STATE FIRE CODE.

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

1 SECTION 1. Chapter 143 of the General Laws, as appearing in  
2 the 2004 Official Edition, is hereby amended by deleting the Section  
3 3A and inserting the following new section:—

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

1 SECTION 2. Section 4 of Chapter 148 of the General Laws, as  
2 appearing in the 2004 Official Edition, is hereby amended by  
3 inserting after the first paragraph the following new paragraph:—

4 “The head of a fire department in a city, town, or district shall  
5 enforce the State Fire Prevention code on any property owned by the  
6 Commonwealth or any departments, commissions, agencies or  
7 authorities of the Commonwealth. Except that the Massachusetts  
8 Port Authority Fire Department shall enforce the State Fire preven-  
9 tion Code on any property owned by the Massachusetts Port  
10 Authority located at Logan International Airport. Decisions by a  
11 Head of the Local Fire Department can be appealed to the State Fire  
12 Marshal’s Office.”