

271 CMR: BOARD OF EXAMINERS OF SHEET METAL WORKERS

271 CMR 9.00: PERMITS AND INSPECTIONS

Section

9.01: Jurisdiction of Inspectors

9.02: Permits and Inspections

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(1) Commonwealth Inspections. Permits to perform sheet metal work in buildings owned, used, or leased by the Commonwealth shall be submitted to the Board. The Board and designated DPL staff shall grant or deny such permit applications and DPL inspectors shall perform the related inspections. Non-refundable fees for Commonwealth permits shall be established by the Secretary of Administration and Finance pursuant to M.G.L. c. 7, § 3B. Commonwealth inspectors may inspect any work site regardless of the issuing authority for the permit.

(2) Local Inspections. For all buildings that are not owned or constructed by the United States Government or owned, used or constructed by the Commonwealth, permit applications shall be submitted to the local inspector of buildings, or a like official, who shall grant or deny all such permit applications and who shall perform the related inspections. Fees and fee procedures for local inspections shall be determined by the municipalities.

NOTE: For those buildings owned or constructed by the United States Government, permits and inspections are only performed at the request of the Federal Government

(3) Interchangeable Meaning. Throughout 271 CMR the term "Inspector" shall refer to the inspector having jurisdiction, either the Local or Commonwealth Inspector.

(4) Right of Entry. Subject to compliance with all relevant Federal and Commonwealth laws, the inspector, after proper identification, shall have the right to enter any premises for the purpose of conducting inspections of sheet metal work. Except in the case of emergencies, inspectors will perform their duties and inspections during the normal working hours of the day.

9.02: Permits and Inspections

In general, a permit must be issued prior to any erection, installation, or dismantling of sheet metal work. Minor repairs, testing, adjustment, and air-balancing shall not require a permit.

(1) Requirements.

(a) Any application for a permit shall be made to the inspector before work commences. Except in the case of emergencies, until a permit has been issued by the inspector, sheet metal shall not be installed, altered, removed, replaced, or repaired. Permits shall be obtained within two business days of an emergency.

1. Applications shall be made on a Board-prescribed form.

2. Applications shall include a statement of work to be performed, the location, and the names of the persons or entities for and by whom the work is to be done.

3. A separate permit is required for each building.

4. Submission of a set of construction plans may be required.

5. Issuance of a permit is accomplished by either issuing a separate notification or the inspector making written acknowledgement in the appropriate locations on the Board's prescribed permit application.

(b) Permits shall be issued only to licensed Journeyman and Master Sheet Metal Workers.

(c) Inspectors shall insure that permits are issued only to licensees possessing adequate liability coverage.

1. Licensees shall have a current liability insurance policy that includes completed operations coverage and has been issued by a company licensed to do business in Massachusetts.

2. At the discretion of the inspector, other types of indemnity against liability or a bond may be substituted.

3. Liability coverage must be adequate to cover building-wide catastrophes.

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(2) Inspections.

- (a) Permit-related inspections include:
 1. all work sites where a permit is required;
 2. all of the permit-related sheet metal work, and
 3. any portions of existing systems that may be directly affected by the work outlined in the related permit application.
- (b) The inspector may require that two or more inspections be performed, for instance, a "rough" inspection and a "final" Inspection.
- (c) The inspector may require that a test be performed as part of the inspection process.
- (d) Notification.
 1. It is the responsibility of the permit holder, or a Master or Journeyman Sheet Metal Worker employed by the permit holder, to give notice to the inspector that work is ready for inspection. The licensee making notification shall establish that the work will stand the prescribed test and that the roughing-in has been completed as far as practicable before giving notification. Proper notification shall mean that the licensee has had direct communication with the inspector.
 2. The equipment, materials, power, and labor necessary for the inspection and any required tests shall be furnished by the licensee.
- (e) Within two working days upon the inspector's receipt of notification that the work is ready for inspection, the inspector shall act upon the request for Inspection.
- (f) Covering of Work.
 1. New work, and such portions of existing systems that may be directly affected by new work, shall not be covered until it has been authorized by the inspector.
 2. The inspector may direct the uncovering of new work, and portions of existing systems that may be directly affected by new work, if it was covered before being approved.
- (g) If the inspector determines that the work fails to meet requirements, necessary corrections shall be made and the work shall be submitted for re-inspection. If any defective materials or unskilled or inferior workmanship are found the following procedures shall be followed:
 1. The inspector shall condemn the affected part(s) or entire system.
 2. The inspector shall order the licensee to remove or correct the defective parts, or unskilled or inferior workmanship.
 3. No further progress shall be allowed on the work until the defective parts or the unskilled or inferior workmanship are made compliant.

(3) Termination.

- (a) Permits shall expire if work is not started within 90 days of the date of issuance. If failure to start within the 90-day period was beyond control of the permit holder, the inspector may extend the permit.
- (b) Permits may be cancelled if, in the opinion of the inspector, the workmanship or product, materials, systems, methods or technology used are unacceptable.
- (c) When any of the work outlined in the permit has been commenced but the permit holder will not complete the work, the permit should be terminated by the permit holder or the person or entity that hired the permit holder. Termination should consist of sending written notice to the inspector; the notice must include the permit number, a description of the work completed, and a description of the work not to be completed. The Inspector shall perform an Inspection on the work that was completed under the Permit.

(4) Appeals.

- (a) Commonwealth Inspector Advisory Opinion.
 1. Any party who disagrees with or is aggrieved by a decision or interpretation of a local inspector may seek an advisory opinion from the Board or designated Board staff.
 2. A request for an advisory opinion may be made by telephone, letter, facsimile, or email.
 3. The Board or designated staff member may respond to the request for an advisory opinion by requesting additional information from the relevant parties and then providing an interpretation. Interpretations not voted on by the Board constitute nonbinding statements only and may be issued in writing or orally.

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4. Advisory opinions are pertinent only to the specific case in question; their reliability depends on the accuracy and completeness of all material facts.
- (b) Appeal Before the Board.
1. Any person who disagrees with or is aggrieved by the decision or interpretation of a local or Commonwealth inspector may appeal in writing to the Board for a hearing.
 2. The written appeal shall be in writing within ten days after the decision or interpretation of the inspector. All relevant documents, such as the inspector's written notice of disapproval, should accompany the appeal. The appeal shall be accompanied by payment in the amount set by the Secretary of Administration and Finance pursuant to M.G.L. c. 7, § 3B.
 3. The Board will issue a written decision and order reversing, affirming, or modifying, in whole or in part, the notice, interpretation, order, requirement, or direction of the inspector.

REGULATORY AUTHORITY

271 CMR 9.00: M.G.L. c. 112, §§ 237 through 251.