

780 CMR: MASSACHUSETTS AMENDMENTS TO THE *INTERNATIONAL BUILDING CODE 2009*

CHAPTER 31: SPECIAL CONSTRUCTION

3101.1 Add a second sentence as follows:

Referenced in this chapter are the *International Fire Code* (IFC) and the *International Mechanical Code 2009* (IMC). When referenced, the requirements within these codes shall be used to the extent as described in section 101.4.

3104.1 Add a last sentence as follows:

Pedestrian walkways and tunnels shall also conform to applicable requirements of 521 CMR.

3104.4 Replace as follows:

3104.4 Contents. Only materials and decorations conforming to Chapter 8 and 527 CMR, and approved by the *building official* in consultation with the fire official, shall be located in the pedestrian walkway.

3108.3 Add section:

3108.3 Grounding. Towers shall be permanently and effectively grounded per the requirements of 527 CMR 12.00: *2008 Massachusetts Electrical Code (Amendments)*.

3109.1 After the existing sentence add this text:

See also the following for applicable requirements:

1. M.G.L. c. 140, § 206 for enclosures to public and semi-public outdoor in-ground swimming pools;
2. 521 CMR 19.00: *Recreational Facilities*;
3. 105 CMR 430.000: *Minimum Standards for Recreational Camps for Children (State Sanitary Code: Chapter IV)* and 105 CMR 435.00: *Minimum Standards for Swimming Pools (State Sanitary Code: Chapter V)*;
4. 527 CMR 12.00: *2008 Massachusetts Electrical Code (Amendments)* for the installation of electrical wiring and electrical devices
5. 248 CMR for the installation of gas-fired pool heaters

3109.3 Delete

3111 Add section:

SECTION 3111 TEMPORARY OVERNIGHT SHELTERS

3111.1 Scope and Purpose. The purpose of this section is to establish reasonable standards for the use of facilities designed for other purposes to be safely occupied temporarily as overnight shelters. This section is promulgated by the the BBRS in acknowledgment of the safety concerns associated with homelessness and the desire to provide shelter even if a site does not meet ideal safety standards as set out in other provisions of this code. In this regard, the State Building Code is not intended to serve as a barrier to those seeking to assist individuals in need by providing shelter, but instead to offer a means to ensure that a reasonable degree of life safety is provided to the occupants of such temporary overnight shelters.

3111.2 Temporary Overnight Shelter Defined. For purposes of this section 3111, a temporary overnight shelter shall be defined as any facility designed and used primarily as a church or house of worship for religious services or instruction which is owned or operated by a religious organization and qualified for exemption under 26 U.S.C. section 501(c)(3) of the Internal Revenue Code. The primary use of the facility is for religious services or instruction but may, on occasion, provide a sanctuary from the cold weather to a limited number of individuals for a limited period of time as provided for.

3111.3 Limitations of Use:

1. A temporary overnight shelter may operate:
 - a. for not more than 35 days per year,
 - b. for not more than seven consecutive days.

31.00: continued

Exception. Shelters may operate for not more than 14 consecutive days between June 15, 2010 and September 30, 2010.

2. The limitations set forth by section 3111.3 may be exceeded in the event that a state of emergency is declared by the Governor in accordance with St. 1950, c. 639 or due to an emergency deemed detrimental to the public health pursuant to M.G.L. c. 17, § 2A.

3111.4 Approval and Temporary Certificate of Occupancy. In order to operate a temporary overnight shelter, a temporary certificate of occupancy must first be issued by the *building official*. Application for a certificate shall be made as follows:

1. The application must contain information demonstrating that the structure meets the following requirements:
 - a. It has been issued a valid certificate of occupancy for its current use.
 - b. It is equipped with a functioning sprinkler system or is suitably protected by a smoke and/or heat detection and alarm system, and a carbon monoxide detection system. Battery operated interconnected detectors may be satisfactory depending upon the location.
 - c. It contains adequate means of egress relative to the number of approved overnight occupants.
 - d. It contains adequate emergency lighting and egress signage.
 - e. It contains the necessary facilities in accordance with the applicable guidelines promulgated by the Massachusetts Department of Public Health.
 - f. Attestation that the structure meets the requirements of the Architectural Access Board's regulations at (521 CMR).
2. The application must include the following:
 - a. Zoning approval (if applicable).
 - b. A site plan (internet accessed satellite maps may be sufficient if properly labeled).
 - c. A plan for compliance with the applicable guidelines promulgated by the Massachusetts Department of Public Health.
 - d. A fire safety and egress plan. The plan shall include, but not be limited to:
 - i. The identification of the anticipated nightly occupant load.
 - ii. A diagram of the bed and personal space layout.
 - iii. The identification of exits and aisles leading thereto.
 - iv. Outline of procedures for accounting for employees and occupants after evacuation.
 - v. Outline of procedures for the evacuation of occupants with special needs.
 - vi. The identification of the preferred and any alternative person responsible for reporting fires and other emergencies to the fire department.
 - vii. A plan for assignment of personnel responsible for oversight of evacuation.
 - viii. A plan for training of employees relative to emergency evacuation.
 - e. Identification of an on-site individual responsible for ensuring compliance with section 3111.0.
3. Upon receipt of a completed application, the *building official* shall forward the application to the municipal fire chief and health official for their review. A site visit shall then be undertaken collectively by the *building official*, fire official, health official, building owner, and the applicant, or their respective designees. Said officials shall assess the suitability of the structure for issuance of a temporary certificate of occupancy and ensure the accuracy and efficiency of the documentation submitted in accordance with section 3111.4 items 1. and 2. Promptly after the site visit is completed, the *building official* shall either approve the application and issue the temporary certificate of occupancy, or deny the application, or approve the application and issue the temporary certificate of occupancy with conditions. The *building official* may condition the issuance of a certificate upon anything that he determines is necessary to ensure the safety of the occupants of the shelter and consistent with section 3111.1. Prior to taking action, the *building official* shall review the application with the fire chief and health official. The *building official* shall consider any recommendations made by the fire chief or health official with due regard for their concerns. However, the *building official* shall not issue any temporary certificate over the objection of the Head of the Fire Department or the local Board of Health.

31.00: continued

4. Temporary certificates of occupancy shall not be issued for a period to exceed one year. Applications for renewal shall be reviewed in accordance with section 3111.4 items 1. through 3.
5. If issued, the temporary certificate shall reflect the name of the organization it was issued to, the name of the party responsible for the operation of the shelter, the address of the shelter, the issuance date, the expiration date, any conditions of issuance ordered pursuant to section 3111.4 item 3., and the maximum allowed occupant load.
6. A temporary certificate of occupancy may be revoked by the *building official* at any time for a violation of any provision of section 3111.0, any violation of the General Laws, or for any reason necessary to ensure the safety of the occupants of the structure. The terms of issuance of the certificate may similarly be modified. Any such action may be appealed to the Building Code Appeals Board in accordance with M.G.L. c. 143, § 100.

3111.5 Operation of Shelter:

1. The party responsible for the operation of the shelter must notify the municipal *building official* and fire chief in writing at least 24 hours prior to each period of operation. The notification must include a statement as to the anticipated number of days the shelter will be in operation and an estimate as to the number of individuals who will be in occupancy per night. Notification shall similarly be made within 24 hours after use of the shelter has ended.
2. The temporary certificate of occupancy issued pursuant to section 3111.4 shall be conspicuously posted at the main entrance to the shelter.
3. A document shall be posted, in a location approved by the municipal *building official* and the head of the fire department, containing an accurate number of sheltered occupants on a nightly basis. Such document shall also contain the names of all workers and volunteers who are overseeing or assisting in the shelter usage on a nightly basis.
4. The shelter shall be set up and operated in accordance with the documentation submitted pursuant to section 3111.4 item 2. and any conditions mandated under Section 3111.4 item 3.

3111.6 Access by Public Officials. Access to the shelter for purposes of ensuring compliance with Section 3111.0 shall be granted upon request by the *building official*, fire chief, health official, or police officer.

3112 Add section:

SECTION 3112 TEMPORARY EMERGENCY USE

3112.1 General. Except as noted herein, the provisions of section 3112 shall apply to *temporary emergency uses*.

3112.1.1 Permit Required. *Temporary emergency uses* shall not be operated or maintained for any purpose without first obtaining a permit from the municipal official having jurisdiction.

3112.2 Construction Documents. A written request for the Temporary Emergency Use change, identifying the address-specific property is required.

3112.3 Certification. A *temporary emergency use* shall be so identified by a special certificate of use and occupancy as established for such purpose (*see* the Department of Public Safety website www.mass.gov/dps for an example of this special certificate of use and occupancy) by the municipal or state *building official* in consultation with other appropriate municipal and state officials in accordance with procedures established for such purposes.

3112.4 Means of Egress: All *temporary emergency uses* shall conform to the *means of egress* requirements of Chapter 10 to the degree practicable.

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