

527 CMR 1.00: MASSACHUSETTS COMPREHENSIVE FIRE SAFETY CODE

Section:

1.01: Title

527 CMR 1.00, as referred to as “this *Code*”, shall be known as the Massachusetts Comprehensive Fire Safety Code.

1.02: Purpose

The purpose and the intent of 527 CMR 1.00 is to prescribe minimum requirements and controls to safeguard life, property, and public welfare from the hazards of fire and explosion created by the storage, handling or use of substances, materials, or devices, or from conditions, or materials hazardous to life, property, and the public welfare as prescribed in M.G.L. chs. 22D and 148.

1.03: Scope

The scope of 527 CMR 1.00 includes, but is not limited to, the following in accordance with M.G.L. c. 22D and M.G.L. c. 148 and as prescribed by M.G.L. c. 143, § 96:

- (1) Rules and regulations for the keeping, storage, use, manufacture, sale, handling, and transportation or other disposition of the following:
 - (a) Gunpowder, dynamite, crude petroleum or any of its products, or explosive or flammable fluids or compounds, tablets, torpedoes or any explosives of a like nature, or;
 - (b) Any explosives, fireworks, firecrackers, or any substance having such properties that it may ignite or generate flammable or explosive vapors or gases to a dangerous extent.
- (2) Rules and regulations to prescribe the location, materials, and construction of buildings to be used for any of the purposes provided in 527 CMR 1.03(1).
- (3) Rules and regulations to prevent or remedy any condition in or about any building, structure or other premises, or any ship or vessel which may tend to become a fire hazard or to cause a fire.
- (4) Rules and regulations to provide adequate safety requirements for the protection of the public in the event of a fire in or about any building, structure, or other premises or any ship or vessel. Such rules shall require that any equipment, system, or construction requirement relating to fire protection of persons or property within said building or structure, be installed in accordance with such applicable requirements as of the date of installation and shall be maintained in accordance with this *Code*.
- (5) Rules and regulations to provide for the safe storage, use, handling, and manufacturing of corrosive liquids, oxidizing materials, toxic materials, or poisonous gases.

1.04: Adoption by Reference

THIS IS A DRAFT DOCUMENT ONLY AND HAS NOT BEEN ADOPTED BY THE BOARD OF FIRE PREVENTION REGULATIONS. THIS DRAFT DOCUMENT SHOULD NOT BE RELIED UPON FOR ANY PURPOSE OTHER THAN REVIEW OF THE CURRENT STATE OF THE PROPOSED AMENDMENTS TO 527 CMR 1.00

527 CMR 1.00 adopts and incorporates, the provisions of (National Fire Protection Association) *NFPA 1 Fire Code* – 2021 edition as modified by 527 CMR 1.05.

1.05: Modifications to *NFPA 1 Fire Code* - 2021 Edition.

NFPA 1 Fire Code - 2021 Edition is modified, on a Chapter-by-Chapter basis, as follows:

Chapter 1 Administration. Chapter 1 is deleted in its entirety and replaced as follows:

1.1 General Considerations. This *Code* shall apply to both new and existing conditions. Unless the provisions of this *Code* specify that a requirement shall apply to existing occupancies, conditions or systems, an installation completed prior to the effective date of this *Code* shall be deemed in compliance if the installation was made in accordance with the applicable *Code* in effect at the time of the installation and was approved by the AHJ. Notwithstanding the provisions of *Section 1.1*, if any prior installation or condition exists which constitutes an imminent danger; the AHJ may require compliance with the provisions of this *Code*.

1.1.1 Massachusetts General Law and State Building Code. Applicable Massachusetts General Law and requirements of the 780 CMR: *State Building Code*, also referred herein as the *Building Code*, and specialized codes as referenced in Chapter 2 and defined in Chapter 3 shall be adhered to in the design and construction of buildings, structures, and equipment.

1.1.2 Construction Requirements for Buildings and Structures. Unless otherwise regulated by the provisions contained in 527 CMR 1.00:1.03, or as otherwise indicated by specific language, reference or context, any provision of 527 CMR 1.00 or any standard or code referenced in 527 CMR 1.00 relative to construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal or demolition of buildings or structures or any appurtenances connected or attached to such buildings or structures shall not be considered a requirement of this *Code*, but rather a reference to the applicable provisions of the *Building Code*. Such reference is for the convenience of the reader and shall be subject to the jurisdiction of the appropriate Building Official.

1.1.3 Requirements of Specialized Codes. Unless otherwise indicated by language, specific reference or context, any provisions of 527 CMR 1.00 or any standard or code referenced in 527 CMR 1.00 relative to the installation, alteration, replacement or repair of any equipment or system subject to the jurisdiction of a specialized code including, but not limited to: plumbing, electrical, sheet metal, or elevator, shall not be considered a requirement of this *Code*, but rather a reference to the applicable specialized code. Such reference is for the convenience of the reader and shall be subject to the jurisdiction of the appropriate specialized code official.

1.1.4 Continued Maintenance of Any Equipment, System, Construction Requirement, Specification or Method Relating to Fire Protection. Notwithstanding the provisions of *Sections 1.1.2 or 1.1.3*, any equipment, system, construction requirement, specification or method relating to fire protection of persons or property within a building, structure, or ship or vessel shall be properly maintained and shall continue to perform in accordance with the applicable requirements of the *Building Code* or applicable specialized code as of the date of such approved installation or construction.

1.2 Reserved

1.3 Application.

1.3.1 Reserved

1.3.2* Referenced Standards.

1.3.2.1 Except as provided in *Sections 1.1.2 and 1.1.3*, all codes and standards referenced in 527 CMR 1.00 shall be considered as part of this *Code*.

1.3.2.3 Nothing herein shall diminish the authority of the AHJ to determine compliance with this *Code* for those activities or installations, as may be otherwise granted under the authority of the provisions of M.G.L. chs. 22D, 48, 148, 148A, and other applicable provisions of Massachusetts General Law.

1.3.3 Conflicts.

1.3.3.1 When a requirement differs between this *Code* and a referenced document, the requirement of this *Code* shall apply.

1.3.3.2 When a conflict between a general requirement and a specific requirement occurs, the specific requirement shall apply.

1.3.3.3 When the requirements of this *Code* conflict with any other applicable regulation, or ordinance, the provisions which establish the higher standard for the promotion and protection of safety and welfare shall prevail.

1.3.4 Reserved

1.3.5 Vehicles and Marine Vessels. Vehicles and marine vessels, or other similar conveyances, when in fixed locations and occupied as buildings, as described by *Section 11.6* of NFPA 101: *Life Safety Code*, shall be treated as buildings and comply with this *Code*.

1.3.6 Buildings and Structures.

1.3.6.1 Buildings, structures, additions, and alterations permitted for construction after the adoption of this *Code* shall comply with the provisions stated herein for new buildings.

1.3.6.2 * Except as provided in *Section 10.3.2*, buildings in existence or permitted for construction prior to the adoption of this *Code* shall comply with the provisions stated herein or referenced for existing buildings.

1.3.6.3 Repairs renovations, alterations, reconstruction, change of occupancy, and additions to buildings shall conform to this *Code*, and the *Building Code* and applicable specialized codes as authorized by M.G.L. c. 143, § 96.

1.3.6.4 Newly introduced equipment, materials, processes, and operations regulated by this *Code* shall comply with the requirements for this *Code*.

1.3.7 Severability. If any provision of this *Code* or the application thereof to any person or circumstance is held invalid, the remainder of the *Code* and the application of such provision to other persons or circumstances shall not be affected thereby.

1.4 Equivalencies, Alternatives, and Modifications. The provisions of this *Code* shall not

prevent the use of equivalencies, alternatives, or modifications unless specifically prohibited herein.

1.4.1 Equivalencies. Nothing in this *Code* is intended to prevent the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, effectiveness, durability, and safety to those prescribed by this *Code*, provided technical documentation is submitted to the AHJ in writing to demonstrate equivalency and the system, method, or device is approved for the intended purpose.

1.4.2 Alternatives. The specific requirements of this *Code* shall be permitted to be altered by the AHJ upon application in writing to allow alternative methods that will secure equivalent fire safety, but in no case shall the alternative afford less fire safety, in the judgment of the AHJ, which would be provided by compliance with the provisions contained in this *Code*.

1.4.3 Modifications. The AHJ is authorized to modify any of the provisions of this *Code* upon application in writing by the owner, a lessee, or a duly authorized representative where there are practical difficulties in the way of carrying out the provisions of this *Code*, provided that the intent of the *Building Code* or specialty code is complied with and public safety is secured.

1.4.4 Buildings with equivalency, alternatives, or modifications approved by the AHJ shall be considered as conforming with this *Code*.

1.4.5 Each application for an alternative system, method, or device regulated by this *Code* shall be filed with the AHJ in writing and shall be accompanied by such evidence, letters, statements, results of tests, or other supporting information as required to justify the request. The AHJ shall keep a record of actions on such applications together with the information that supported the action in accordance with *Section 1.11*, and a signed copy of the AHJ's decision shall be provided to the applicant.

1.4.6 Approval. Where allowed by this *Code*, the AHJ shall approve such alternative, systems, materials, or methods of design when it is substantiated that the standards of this *Code* are at least equaled. If, in the opinion of the AHJ, the standards of this *Code* shall not be equaled by the alternative requested, approval for permanent work shall be refused. Consideration shall be given to test or prototype installations.

1.4.7 Tests.

1.4.7.1 Whenever evidence of compliance with the requirements of this *Code* is insufficient or evidence that any material or method does not conform to the requirements of this *Code* or to substantiate claims for alternative, equivalent or modifications to systems, materials, or methods, the AHJ shall be permitted to require tests for proof of compliance to be made at the expense of the owner or his or her agent.

1.4.7.2 Test methods shall be as specified by this *Code* for the material in question. If appropriate test methods are not specified in this *Code*, the AHJ is authorized to accept an applicable test procedure from another recognized source.

1.4.7.3 Copies of the results of all such tests shall be retained in accordance with *Section 1.11*.

1.5 Units.

1.5.1 International System of Units. Metric units of measurement in this *Code* are in accordance with the modernized metric system, known as the International System of Units (SI).

1.5.2 Primary and Equivalent Values. If a value for a measurement as given in this *Code* is followed by an equivalent value in other units, the first stated value shall be regarded as the requirement. A given equivalent value could be approximate.

1.6 Enforcement. This *Code* shall be administered and enforced by the AHJ.

1.7 Authority.

1.7.1 Administration. The provisions of this *Code* shall apply without restriction, unless specifically exempted.

1.7.2 Reserved.

1.7.3 Interpretations.

1.7.3.1 Upon a written request of any interested person the Board of Fire Prevention Regulations may render written advisory rulings and interpretations of this *Code*, pursuant to the provisions of M.G.L. c. 30A, § 8.

1.7.4 Enforcement Assistance. Police and other enforcement agencies shall have authority to render necessary assistance in the enforcement of this *Code* when requested to do so by the AHJ.

1.7.5 Delegation of Authority. The AHJ may delegate to other qualified individuals such powers as necessary for the administration and enforcement of this *Code* as provided in M.G.L. c. 148.

1.7.6 Reserved.

1.7.7 Inspections.

1.7.7.1 To the full extent allowed by the provisions of M.G.L. c. 148, the AHJ shall be authorized to inspect, at all reasonable times, any building or premises for dangerous or hazardous conditions or materials in order to determine compliance with this *Code*.

1.7.7.1.1 Coordinated Inspections. In circumstances involving compliance with two or more Massachusetts codes including, but not limited to, the *Building Code*, *Uniform State Plumbing Code*, *Massachusetts Electrical Code (Amendments)*, *Elevator Code*, and *Sheet Metal Code*, the AHJ, while enforcing this *Code* shall, to the extent as reasonably practicable, coordinate inspections so that owners and occupants of a building or structure shall not be subjected to visits by numerous inspectors nor multiple or conflicting orders.

1.7.7.1.2 Notification to Other Officials. Whenever the AHJ observes an apparent or actual violation of some provision of law, ordinance, code, or bylaw not within the AHJ's authority, the AHJ shall report the findings to the appropriate code official having jurisdiction to enforce said law, ordinance, code, or bylaw.

1.7.7.2 The AHJ shall have authority to order, in writing, any person(s) to remove or remedy any dangerous or hazardous condition or material as provided in M.G.L. c. 148 and this *Code*.

1.7.7.3 The AHJ engaged in fire prevention and inspection work shall be authorized at all reasonable times to enter and examine any building, structure, marine vessel, vehicle, or premises for the purpose of making fire safety inspections, to the full extent allowed by the provisions of M.G.L. c. 148 and this *Code*.

1.7.7.4 Before entering, the AHJ shall obtain the consent of the occupant thereof or obtain a proper warrant authorizing entry for the purpose of inspection, except where an emergency exists, or as otherwise permitted by law.

1.7.7.4.1 The applicant for any permit, certificate, or license issued pursuant to the provisions of this *Code* or M.G.L. c. 148, or any person who seeks to renew or continue to hold such permit, certificate or license, shall be deemed to have consented to the inspection, at any reasonable hour, of any documents, premises, structure, marine vessel, building or vehicle reasonably associated with said permit, license, or certificate, or application or renewal thereof, in order to confirm compliance with the requirements of this *Code*, M.G.L. c. 148 or other related law or regulation related to such permit, license, or certificate.

1.7.7.5 As used in *Section 1.7.7.4*, emergency shall mean conditions or circumstances that the AHJ knows, or has reason to believe, exist and that can constitute imminent danger.

1.7.8 Imminent Danger Conditions. Where conditions exist and are deemed to be an imminent danger by the AHJ, the AHJ shall have the authority to immediately abate or require immediate abatement of such conditions.

1.7.9 Interference with Enforcement. No person shall interfere or cause conditions that would interfere with an AHJ carrying out any duties or functions prescribed by this *Code*.

1.7.10 Impersonation. Persons shall not use a badge, uniform, or other credentials to impersonate the AHJ.

1.7.11 Reserved.

1.7.12 Plans and Specifications.

1.7.12.1 The AHJ shall have the authority to require plans and specifications to ensure compliance with this *Code* and M.G.L. c. 148. Construction documents and shop drawings submitted shall be acted upon before work commences and within 30 days of the date of receipt of a completed application and construction documents unless extended by the AHJ.

1.7.13 Inspection of Construction and Installation.

1.7.13.1 The AHJ shall be notified by the person performing the work when the installation is ready for a required inspection.

1.7.13.2 Whenever any installation subject to inspection prior to use is covered or concealed without having first been inspected, the AHJ shall have the authority to require that such work be exposed for inspection.

1.7.13.3 When any construction or installation work is being performed in violation of the plans and specifications as approved by the AHJ, a written notice shall be issued to the responsible party to stop work on that portion of the work that is in violation.

1.7.13.4 The notice of violation shall identify the violation together with the Section of this *Code* in violation.

1.7.13.5 The AHJ may issue a stop work order at which time the work shall not continue until the violation has been corrected.

1.7.13.5.1 A stop work order, if issued, shall be incorporated with the notice of violation.

1.7.14 Certificate of Occupancy. When the *Building Code* requires a certificate of occupancy, the certificate of occupancy shall be issued in accordance with the *Building Code*.

1.7.15 Stop Work Order. AHJ shall have the authority to order an operation, construction, or use stopped when any of the following conditions exist:

- (1) Work is being done contrary to provisions of this *Code*.
- (2) Work is occurring without a permit required by *Section 1.12*.
- (3) An imminent danger is present.

1.7.16 Imminent Dangers and Evacuation.

1.7.16.1 Whenever the maintenance, operation, or use of any land, building, structure, material or other object, or any part thereof, including vehicles used in the transport of hazardous materials, constitutes an imminent danger or a fire or explosion hazard which is dangerous or unsafe, or a menace to the public safety (including, but not limited to, fires, explosions, hazardous material incidents, motor vehicle accidents, structural collapses, mass casualty incidents and emergency extrication incidents) and the action to be taken to eliminate such dangerous or unsafe condition which create, or tend to create, the same is not specifically provided for in this *Code*, and unless otherwise prohibited by law, ordinance, by-law, or regulation, the AHJ is hereby authorized and empowered to take such action as may be necessary to abate such dangerous or unsafe conditions.

1.7.17 Public Fire Education.

1.7.17.1 The AHJ shall have the authority to develop and implement a public fire safety education program as deemed necessary for the general welfare with respect to the potential fire hazards within the jurisdiction.

1.7.17.2 The AHJ shall have the authority to ensure duly authorized public fire safety education programs or public fire safety messages are disseminated to the general public.

1.8 Reserved.

1.9 Reserved.

1.10 Fire Prevention Regulations Appeals Board.

1.10.1 Establishment and Membership of the Fire Prevention Regulations Appeals Board.

- (1) Pursuant to the provisions of M.G.L. c. 22D, § 5, there shall be a Fire Prevention Regulations Appeals Board.
- (2) The Appeals Board shall consist of the 16 members of the Board of Fire Prevention Regulations, established under M.G.L. c. 22D, § 4.
- (3) The Chairman of the Board of Fire Prevention Regulations shall serve as the chairman of the Appeals Board.

1.10.1.1 Authority of the Fire Prevention Regulations Appeals Board. The Fire Prevention Regulations Appeals Board is authorized to conduct appeals pursuant to the provisions of M.G.L. c. 22D, § 5.

- (1) Whoever is aggrieved by any act, rule, order, directive, decision, or requirement of the AHJ charged with the enforcement of this *Code*, relative to the fire protection requirements for buildings or structures, may submit an application for an appeal to the Appeals Board within 45 days following the service of notice of such act, rule, order, decision, requirement,

or directive.

1.10.1.2 Matters not within the Jurisdiction of the Appeals Board. The Fire Prevention Regulations Appeals Board does not have jurisdiction to hear appeals relating to the following matters:

- (1) Matters arising out of construction or installation requirements of the *Building Code*, (Building Code Appeals Board, M.G.L. c. 143, § 100);
- (2) Matters arising out of the enforcement of the statutory enhanced automatic sprinkler provisions of M.G.L. c. 148, § 26A½, 26G, 26G½, or 26H (Automatic Sprinkler Appeals Board, M.G.L. c. 6, § 201);
- (3) Matters arising out of an appeal of a determination of the municipal wiring inspector and/or involving the application of *Massachusetts Electrical Code (Amendments)*, (Board of Electrician's Appeal, M.G.L. c. 143, § 3P);
- (4) Matters arising out of the issuance of a "Non-Criminal Fire Code Violation Notice" issued under the civil enforcement provisions of M.G.L. c. 148A;
- (5) Matters arising out of the enforcement of a violation of any statute, including the provisions of M.G.L. c. 148 or arising out of any Order issued by the Head of the Fire Department or the State Fire Marshal relating to the abatement of a condition that constitutes a fire or explosion hazard or which is dangerous or unsafe or a menace to public safety (M.G.L. c. 148, § 5);
- (6) Administrative matters initiated by the State Fire Marshal relating to the suspension, revocation or refusal to issue any certificate of competency or user's certificate issued by the State Fire Marshal;
- (7) Matters arising out of the AHJ's determination to suspend, revoke, issue or renew any permit based upon the exercise of discretionary function rather than a technical fire protection requirement of this *Code*; and
- (8) Matters arising out of the enforcement of a city ordinance or town by-law or regulation promulgated or adopted by the municipality.

1.10.1.3 Means of Appeal. Application for an appeal shall be made, within 45 days following the service of notice of such act, rule, order, decision, requirement, or directive which is the subject of the appeal on forms prescribed or approved by the Fire Prevention Regulations Appeals Board.

1.10.1.3.1 Such application shall be accompanied by the required fee and include copies of all records, references, reports, and other information related to the appeal.

1.10.1.3.2 An appeal shall stay all proceedings in the furtherance of the action or failure to act which is the subject of the appeal, unless the AHJ presents evidence that a stay would cause imminent peril of life or property.

1.10.1.4 Appeals Board Hearings. The Chairman of the Appeals Board shall designate three members of the Appeals Board to hold public hearings, hear testimony and take evidence.

1.10.1.4.1 The Appeals Board shall not be bound by the strict rules of evidence prevailing in courts of law or equity.

1.10.1.4.2 The chairman shall fix the time and place for hearings and a hearing shall take place not later than 60 days following the filing of an appeal unless such time is extended by agreement with the appellant.

1.10.1.4.3 The chairman shall give at least ten days' notice of the time and place of the hearing to all interested parties. Any party may appear in person, by agent or by attorney at the hearing.

1.10.1.5 Appeals Board Decisions. The three members of the Appeals Board conducting the hearing shall decide the appeal and issue a written decision. Every decision shall require the concurrence of at least two of the three members and the written decision shall state findings of fact, conclusions, and reasons for the decision and indicate the vote of each member participating in the decision.

1.10.1.5.1 The Appeals Board shall issue a decision or order reversing, affirming, or modifying, in whole or in part, such interpretation, order, or decision, or a postponement of the application thereof, within 45 days following the hearing, unless such time is extended by agreement with the appellant.

1.10.1.5.2 The Appeals Board may grant a variance from any provision of this *Code* and related rules and regulations in any particular case determine the suitability of alternate materials or methods of compliance and provide reasonable interpretations of this *Code* consistent with the purpose thereof.

1.10.1.6 Record of Appeals Board Decisions. A record of all Appeals Board decisions and of votes thereunder, properly indexed, shall be maintained in the office of the Department of Fire Services in accordance with *Section 1.11*.

1.11 Records and Reports

1.11.1 A record of examinations, approvals, disapprovals, equivalencies, modifications and alternatives shall be maintained by the AHJ and shall be available for public inspection in accordance with provisions of the applicable Massachusetts Public Records Laws.

1.11.2 In accordance with the provisions of the applicable Massachusetts Public Records Laws, the AHJ shall keep records of fire prevention inspections and investigations, including the date of inspections and a summary of violations found to exist, the date of the services of notices, and a record of the final disposition of all violations, in accordance with the applicable records retention schedule.

1.11.3 Emergency Response Records.

1.11.3.1 Reserved

1.11.3.2 The fire department shall report all incident data collected in accordance with the applicable provisions of Massachusetts General Law.

1.11.4 All records shall be retained in accordance with the manner and duration required by the Massachusetts Public Records Law.

1.12 Permits and Permit Approvals.

1.12.1 An application for permit shall be made in writing on a form acceptable by the State Fire Marshal and submitted to the applicable enforcement AHJ. Such application shall be legible and completed in its entirety.

1.12.1.2 The AHJ shall be authorized to issue permits and approvals as required by this *Code*.

1.12.1.3 Persons named in the permit shall comply with this *Code*.

1.12.2 Applications for permits shall be accompanied by such data as required by the AHJ and

such fees as required by Massachusetts General Laws.

1.12.2.1 The AHJ shall review all applications submitted and issue permits as required.

1.12.2.2 If an application for a permit is rejected by the AHJ, a written notification shall be sent to the applicant as to the reasons for such rejection.

1.12.2.3 Permits for activities requiring evidence of financial responsibility by the jurisdiction shall not be issued unless proof of any required financial responsibility is furnished.

1.12.3 Conditions of Approval.

1.12.3.1 Any conditions of the approval by the AHJ of a permit shall remain with said permit, unless modified by the AHJ.

1.12.3.2 The AHJ shall be permitted to require conditions of approval to be memorialized *via* recording on the permit or, if relating to land or buildings, at the appropriate registry of deeds.

1.12.4 Approvals by Other Authorities.

1.12.4.1 The AHJ shall have the authority to require evidence to show that other regulatory agencies having jurisdiction over the design, construction, alteration, repair, equipment, maintenance, process, activity, and relocation of structures have issued appropriate approvals.

1.12.4.2 The AHJ shall not be held responsible for enforcement of the regulations of such other regulatory agencies unless specifically mandated to enforce those agencies' regulations.

1.12.5 Reserved

1.12.6 Permits.

1.12.6.1 A permit shall be conditioned upon the continued compliance with the requirements of this *Code*.

1.12.6.1.1 Unless specifically stated otherwise, permits required in *Section 1.12.8* shall be issued by the AHJ and issued as a precondition before conducting any work or activity regulated under the provisions of this *Code*.

1.12.6.2 Any permit issued under this *Code* shall not take the place of any other approval, certificate, license, or permit required by any other regulations or laws.

1.12.6.3 Where additional permits or approvals are required by other agencies, approval shall be obtained from those other agencies.

1.12.6.4 The AHJ shall have the authority to require or conduct an inspection prior to the issuance of a permit.

1.12.6.5 A permit issued under this *Code* shall remain valid for the period of time designated on the permit unless suspended, revoked, or otherwise extended pursuant to *Section 1.12.6.8*.

1.12.6.6 The permit shall be issued to one person or entity only and shall be limited to locations or purposes described in the permit.

1.12.6.7 Any change that affects any of the conditions of the permit shall require a new or amended permit.

1.12.6.8 The AHJ shall have the authority to grant an extension of the permit time period upon presentation by the permittee of a satisfactory reason for failure to start or complete the work or

activity authorized by the permit.

1.12.6.9 A copy of the permit shall be posted or otherwise readily accessible at each place of operation and shall be subject to inspection as specified by the AHJ.

1.12.6.10 Any activity authorized by any permit issued under this *Code* shall be conducted by the permittee or the permittee's agents or employees, in compliance with all requirements of this *Code* applicable thereto and in accordance with the approved plans and specifications.

1.12.6.11 No permit issued under this *Code* shall be interpreted to justify a violation of any provision of this *Code* any other applicable law or regulation.

1.12.6.12 Any addition or alteration of approved plans or specifications shall be approved in advance by the AHJ, as evidenced by the issuance of a new or amended permit.

1.12.6.13 Permits shall bear the name and signature of the AHJ or that of the AHJ's designated representative. In addition, the permit shall indicate the following:

- (1) Operation or activities for which the permit is issued;
- (2) Address or location where the operation or activity is to be conducted;
- (3) Name of the owner, with the address and phone number and the name of the installer, with the address and phone number, if applicable;
- (4) Permit number;
- (5) Period of validity of the permit;
- (6) Inspection requirements and other permit conditions;
- (7) Name of the agency authorizing the permit (AHJ);
- (8) Date of Issuance;
- (9) Quantities of materials to be kept, used or stored, as applicable;
- (10) Certificate and/or license issued under M.G.L. c. 148, § 13, as applicable;
- (11) Permit conditions as determined by the AHJ.

1.12.6.14 Any application for, or acceptance of, any permit requested or issued pursuant to this *Code* shall constitute agreement and consent by the person making the application or accepting the permit, to allow the AHJ to enter the premises at any reasonable time to conduct such inspections or review such records as required by this *Code*.

1.12.7 Revocation or Suspension of Permits and Approvals.

1.12.7.1 The AHJ shall be permitted to revoke or suspend a permit or approval issued by said AHJ if any violation of this *Code* or of M.G.L. c. 148 is found upon inspection or if any false statements or misrepresentations have been submitted in the permit application or plans on which the permit or approval was based.

1.12.7.2 Revocation or suspension shall be constituted when the permittee is duly notified by the AHJ.

1.12.7.3 Any person who continues to engage in any permitted or approved business, operation, occupation, or uses any premises, after the permit or approval has been suspended or revoked pursuant to the provisions of this *Code* and before such suspended permit or approval has been reinstated or a new permit or approval is issued, shall be in violation of this *Code*.

1.12.8 * Permit Requirements. A permit and an application for permit shall be required as prescribed in *Section 1.12.8*. No work or activities described in this *Section* shall commence

without first complying with *Section 1.12* and the applicable Table in *Section 1.12.8*.

A.1.12.8 See M.G.L. c. 148, § 10A regarding heads of fire departments, permits, inspections, and M.G.L. c. 148, § 23 regarding the keeping and use of flammable fluids, permit, and M.G.L. c. 148, § 24 regarding keeping and handling of fire menace material.

1.12.8.1 General Safety Requirements with Regards to Open Air Burning, Use of a Torch, Fogging and Storage of Combustible Goods. [Chapter 10]

1.12.8.1.1 Permit holder shall be present at such burning to control the fire until it is entirely extinguished.

1.12.8.1.2 Open air burning permits required by *Sections 10.10.1 and 10.10.4.1* shall be issued for a period not exceeding two days from the date of the permit.

1.12.8.1.3 Removal of Paint using a Torch.

1.12.8.1.3.1 Permit. A permit shall be required for the use of a torch or other flame or heat producing device for the removal of paint or the application or removal of roofing material from any building or structure. An approved fire extinguisher or an adequate water supply shall be readily available at all times.

1.12.8.1.4 No work or activity described in *Table 1.12.8.1* shall be performed until such time as a valid permit has been issued.

Chapter 10	General Requirements	
Work/Activity	Issuing Authority	Code Section
*Open Air Burning, <i>see</i> Annex	Forest Warden	10.10.1
*Ceremonial Bonfires, <i>see</i> Annex	Head of Fire Department	10.10.4.1.1
Open Flame (heat producing) devices		10.10.1 10.10.9.1
Storage of combustible materials		10.15.1.2 10.15.2.1 10.18.2
Fumigation and insecticidal fogging		10.20.1
*Use of canine guards, <i>see</i> Annex		10.21.1

Table 1.12.8.1* Permits Required

ATable 1.12.8.1(1) See M.G.L. c. 48, § 13, regarding open fires granted by the forest warden or chief of the fire department in cities, towns and districts.

ATable 1.12.8.1(2) See M.G.L. c. 111, § 142 G, regarding the burning of Christmas trees and; M.G.L. c. 111, § 142H regarding, ceremonial bonfires; permits and M.G.L. c. 111, § 142I regarding, bonfires from July 2nd through July 6th.

ATable 1.12.8.1(6) See M.G.L. c. 148, § 28B regarding, buildings with canine guards.

1.12.8.2 Building Services with Regards to Fuel-Oil Heating Appliances [Chapter 11]

1.12.8.2.1.1 Table 1.12.8.2 shall apply to Chapter 11, entitled *Building Services*. Except as permitted by Section 1.12.8.2.1, and by Table 1.12.8.50 for heating appliances, on a form approved by the State Fire Marshal, a permit shall be used, completed, required and issued as a precondition before conducting any work/activity by Table 1.12.8.2.

1.12.8.2.1.2 Heating Appliances.

- (1) A permit shall not be required for routine maintenance, such as the replacement of nozzles, ignition electrodes, or filters; and
- (2) If an installation is made under emergency conditions, an application for a permit shall be required within 24 hours thereafter, excluding Saturdays, Sundays and legal holidays.

1.12.8.2.2 Inspection.

1.12.8.2.2.1 If after 30 days, an inspection has not been conducted, then the delivery of fuel oil shall not be prohibited for lack of a permit to store.

Table 1.12.8.2* Permits Required

Chapter 11	Oil Burners and Fuel-oil	
Work/Activity	Issuing Authority	Code Section
*Installation or alteration of any fuel oil burning equipment. <ul style="list-style-type: none"> • Oil-line upgrade 	Head of Fire Department	11.5.1.8
Storage of acceptable liquid fuel		11.5.1.10
*Installation, removal, or replacement of a fuel storage tank, unless provided otherwise in NFPA Chapter 66		

ATable 1.12.8.2(1) See M.G.L. c. 148, § 10A regarding, heads of fire departments; permits; inspections and; M.G.L. c. 148, § 10C regarding the alteration, repair or installation of oil burners; necessity of certificate; exceptions and; M.G.L. c. 148, § 38J regarding, residential property utilizing heating oil tanks; safety requirements; inspection; certification.

ATable 1.12.8.2(2) See M.G.L. c. 148, § 10A regarding, heads of fire departments; permits; inspections and; M.G.L. c. 148, 10C regarding, the alteration, repair or installation of oil burners; necessity of certificate; exceptions.

ATable 1.12.8.2(3) See M.G.L. c. 148 § 10A regarding, heads of fire departments; permits; inspections and; M.G.L. c. 148, § 23 regarding the keeping and use of inflammable fluids; permit and; M.G.L. c. 148, § 4 regarding, the keeping and handling of fire menace material; See M.G.L. c. 148, § 37 regarding, tanks more than 10,000 gallons used to store fluids other than water; permits; violation of statue or regulation and; annual inspections and Chapter 66 of NFPA 1.

1.12.8.3 Smoke, Fire and Carbon Monoxide Protection Systems. [Chapter 13]

1.12.8.3.1 No person or entity may install any fire protection system in any new or existing building or structure without first complying with the provisions in this section and Table 1.12.8.3.

1.12.8.3.2 Fire Protection System. Any fire alarm device or system or fire-extinguishing device or system, or combination thereof, that is designed and installed for detecting, controlling, or extinguishing a fire or otherwise alerting occupants, or the fire department, or both, that a fire has occurred. A fire protection system shall include any wiring, equipment, and systems used to detect, suppress, or control smoke, fire, and carbon monoxide, or any combination thereof..

1.12.8.3.3 No permit shall be required for the replacement, in kind, of an individual device (battery, carbon monoxide detector/alarm).

1.12.8.3.4 See Chapter 42 for additional fire protection system requirements.

Table 1.12.8.3 Permits Required

Chapter 13	Fire Protection System and Related Equipment	
Work/Activity	Issuing Authority	Code Section
Carbon monoxide/Smoke alarm installations [≤ 5 dwelling units] at time of property sale or transfer.	Head of Fire Department	M.G.L. c. 148, §§ 26F and 26F½ <i>Known as a Certificate of Compliance</i>
Installations of carbon monoxide protection technical options.		13.7.7
Impairment or disconnection of any sprinkler system, water main, hydrant, or other device used for fire protection-system, including carbon monoxide detection and alarm. [M.G.L c. 148, § 27A]		13.1.1.1.2 13.7.2.2
		<i>See also</i> Section 1.12.8.3

1.12.8.4 Safeguarding Construction, Alteration, and Demolition Operations. [Chapter 16]

1.12.8.4.1 See Chapter 41 and *Table 1.12.8.23* for permit requirements for Welding, Cutting, and Other Hot Work.

Table 1.12.8.4 Permits Required

Chapter 16	Safeguarding Construction, Alteration, and Demolition Operations	
Work/Activity	Issuing Authority	Code Section

Heating and Cooling Equipment Used During Construction, Alteration, or Demolition	Head of Fire Department	16.19.3.1.1
Torch-applied roofing operations		16.22.1.1
		<i>See also</i> Section 1.12.8.4

1.12.8.5 Combustible Waste and Refuse. [Chapter 19]

1.12.8.5.1 A permit shall not be required for containers which are delivered to a location and removed in the course of a single business day.

1.12.8.5.2 Containers shall be marked with the name and telephone number of the company who can be reached in an emergency.

Table 1.12.8.5 Permits Required

Chapter 19	Combustible Waste, Refuse, and Rubbish Containers	
Work/Activity	Issuing Authority	Code Section
Rubbish containers > 6 cubic yards	Head of Fire Department	19.1.1
		<i>See also</i> Section 1.12.8.5

1.12.8.6 Occupancy Fire Safety. [Chapter 20]

1.12.8.6.1 Unvented Heaters.

1.12.8.6.1.1 A copy of the manufacturer's installation/operating literature for unvented propane or natural gas-fired space heaters shall be submitted with each permit application.

1.12.8.6.1.2 Before operation of such heater, the Head of the Fire Department and the local or State Plumbing/Gas Inspector shall inspect the installation.

Table 1.12.8.6 Permits Required

Chapter 20	Occupancy Fire Safety	
Work/Activity/Location	Issuing Authority	Code Section
Assembly Occupancies	Head of Fire Department	20.1.1.1
Special Provisions for Food Service Operations		20.1.5.2.4.1
Open flame devices and Pyrotechnics		20.1.5.3.1
Special Provisions for Exposition Facilities		20.1.5.5.1

Cellulose Nitrate Motion Picture Film Storage	20.15.7.2
High-piled Storage	20.15.8.2
Unvented Fuel-Fired Heating Equipment.	20.2.4.5.1, 20.3.2.1.1, 20.8.2.6.1, 20.9.2.2.1, 20.10.2.1, and 20.11.2.1
	<i>See also</i> Section 1.12.8.6

1.12.8.7 Chapter 21 Reserved.

1.12.8.8 Chapter 22 Reserved.

1.12.8.9 Cleanrooms. [Chapter 23]

1.12.8.9.1 *See* chapters 60 through 75 for permitting requirements regarding hazardous materials.

Table 1.12.8.9 Permits Required

Chapter 23	Cleanrooms	
Work/Activity	Issuing Authority	Code Section
Use, storage or handling of hazardous materials	Head of Fire Department	23.3 61.1.2 61.5.3.3.1 63.1.2 66.1.5 69.1.2

1.12.8.10 Dry Cleaning. [Chapter 24]

1.12.8.10.1 *See* chapters 60 through 75 for permitting requirements regarding hazardous materials.

Table 1.12.8.10 Permits Required

Chapter 24	Dry Cleaning	
Work/Activity	Issuing Authority	Code Section
Use, storage or handling of hazardous materials	Head of Fire Department	24.2 61.1.2 61.5.3.3.1 63.1.2 66.1.5 69.1.2

1.12.8.11 Chapter 25 Reserved.

1.12.8.12 Laboratories Using Chemicals. [Chapter 26]

1.12.8.12.1 *See chapters 60 through 75 for permitting requirements regarding hazardous materials.*

Table 1.12.8.12 Permits Required

Chapter 26	Laboratories Using Chemicals	
Work/Activity	Issuing Authority	Code Section
The handling or storage of chemicals in laboratory buildings, laboratory units, and laboratory work areas whether located above or below grade.	Head of Fire Department	26.2 61.1.2 61.5.3.3.1 63.1.2 66.1.5 69.1.2

1.12.8.13 Chapter 27 Reserved.

1.12.8.14 Chapter 28 Reserved.

1.12.8.15 Chapter 29 Reserved.

1.12.8.16 Motor Fuel Dispensing Facilities and Repair Garages. [Chapter 30]

1.12.8.16.1 *See chapters 60 through 75 for permitting requirements regarding hazardous materials.*

Table 1.12.8.16 Permits Required

Chapter 30	Motor Fuel Dispensing Facilities and Repair Garages	
Work/Activity	Issuing Authority	Code Section
Use, storage or handling of hazardous materials.	Head of Fire Department	30.1.1.3 61.1.2 61.5.3.3.1 63.1.2 66.1.5 69.1.2

1.12.8.17 Forest Products. [Chapter 31]

Table 1.12.8.17 Permits Required

Chapter 31	Forest Products	
Work/Activity	Issuing Authority	Code Section
Storage of mulch > 300 cubic yards.	Head of Fire Department	31.2

1.12.8.18 Motion Picture and Television Production Studio Soundstages and Approved

Production Facilities. [Chapter 32]

1.12.8.18.1 Notification.

1.12.8.18.1.1 A permit shall not be required provided notification is given to the Head of the Fire Department for production locations where 15 through 30 on-site personnel are present, and when permits are not specifically required by Chapter 32.

Table 1.12.8.18 Permits Required

Chapter 32	Motion Picture and Television Production Studio Soundstages and Approved Production Facilities	
Work/Activity	Issuing Authority	Code Section
For activities listed in 32.2.2.	Head of Fire Department	32.2.2
		<i>See also</i> Section 1.12.8.18

1.12.8.19. Chapter 33 Reserved.

1.12.8.20. Chapter 34 Reserved.

1.12.8.21. Cannabis Growing, Processing, or Extraction [Chapter 38]

1.12.8.21.1 *Table 1.12.8.21* shall apply to Chapter 38 entitled Cannabis Growing, Processing, or Extraction Facilities. No work or activity described in *Table 1.12.8.21* shall be performed until such time as a valid permit has been issued.

Table 1.12.8.21* Permits Required

Work/Activity	Issuing Authority	Code Section
Processing or extraction of cannabis involving hazardous materials, <i>see</i> 38.1.	Head of Fire Department	38.2
		60.8

ATable 1.12.8.21. A permit is required for processes involving hazardous materials in accordance with *Section 60.8*. Chapter 38 provides specific requirements for operations and equipment utilized in the processing and extraction activities commonly associated with cannabis processing facilities. It is generally accepted that processes involving hazardous materials will meet industry best practices. In the case of cannabis processing and extraction, compliance with the published regulations of Chapter 38 are the minimum industry standard.

1.12.8.22 Dust Explosion and Fire Prevention. [Chapter 40]

1.12.8.22.1 *Table 1.12.8.22* shall apply to Chapter 40 entitled Dust Explosion and Fire Prevention. No work or activity described in *Table 1.12.8.22* shall be performed until such time as a valid permit has been issued.

Table 1.12.8.22 Permits Required

Chapter 40	Dust Explosion and Fire Prevention	
Work/Activity	Issuing Authority	Code Section
An operation that uses or produces combustible dust.	Head of Fire Department	40.2

1.12.8.23 Welding, Cutting and Other Hot Work. [Chapter 41]

1.12.8.23.1 Application for a Permit.

1.12.8.23.1.1 A permit application shall specify the time and exact location of the work to be performed, the nature of the work to be done, and any special precautions to be taken during that work.

1.12.8.23.1.2 On the permit application, the applicant shall provide written authorization, signed by the property owner or his agent.

1.12.8.23.2 Permit Requirements.

1.12.8.23.2.1 A single permit shall be permitted to be issued for both operation and storage.

1.12.8.23.2.2 For daily activities, an annual hot work permit shall be permitted if in compliance with Section 41.7.

1.12.8.23.2.3 A permit prescribed by the Head of the Fire Department shall be required before conducting hot work processes in other than a designated area.

1.12.8.23.2.3.1 A permit prescribed by the State Fire Marshal shall be used for hot work performed in other than designated areas.

1.12.8.23.2.3.2 Before hot work operations begin in a non-designated location, a written hot work permit by the Permit Authorizing Individual (PAI) shall be required. [51B:5.4.1]

1.12.8.23.2.3.2.1 *See Section 41.3.4.1.1.1* for sample hot work permit for permit required areas.

1.12.8.23.3 Permits Not Required.

1.12.8.23.3.1 A hot work permit shall not be required by the Head of the Fire Department when hot work is conducted in approved and designated areas in accordance with *Section 41.3.2.2.1*.

1.12.8.23.3.1.1 *See Section 41.5.4.4* Inspections permitted by the AHJ

1.12.8.23.3.2 A permit shall not be required when the purpose of performing hot work is necessary for required maintenance.

1.12.8.23.3.2.1 *See Section 41.4* entitled Sole Proprietors and Individual Operators.

1.12.8.23.3.3 Where an approved facility hot work permit program exists that meets the requirements of Chapter 41, the permit shall be permitted to be issued for an entire facility

1.12.8.23.4 *See Chapters 60 through 75* for permitting requirements regarding hazardous materials.

1.12.8.23.5 *See Section 16.6* for permitting requirements regarding use of torch-applied roofing

systems.

1.12.8.23.6 See Section 16.7 for permitting requirements regarding use of tar kettles.

Table 1.12.8.23 Permits Required

Chapter 41	Welding, Cutting, and Other Hot Work	
Work/Activity	Issuing Authority	Code Section
Welding, Cutting and Other Hot Work	Head of Fire Department	41.1.5.3
		41.3.2.2
	Permit Authorizing Individual (PAI)	41.3.4
		See Section 1.12.8.23

1.12.8.24 Refueling (Chapter 42)

1.12.8.24.1 Application for Permit.

1.12.8.24.1.1 An application for a permit shall be submitted by the person, firm, or corporation responsible for the installation or construction of a motor vehicle fuel dispensing station.

1.12.8.24.2 Permit Not Required.

1.12.8.24.2.1 A permit shall not be required to make a connection in the fueling of gaseous fuel vehicles, replacement of a portable container, or the filling of a stationary container.

Table 1.12.8.24 Permits Required

Chapter 42	Refueling	
Work/Activity	Issuing Authority	Code Section
Installation or construction of a motor vehicle fuel dispensing station	Head of Fire Department	42.1.2
		See also Section 1.12.8.24

1.12.8.25 Refueling Cargo Tanks, Portable Tanks or Transfer Tanks.

1.12.8.25.1 General.

1.12.8.25.1.1 All tanks shall be considered full for the purpose of this *Code*.

1.12.8.25.1.2 Table 1.12.8.25 shall apply to Chapter 42 entitled Refueling. A permit shall be used, completed, and issued as a precondition before conducting any work/activity described by Table 1.12.8.25

1.12.8.25.2 Cargo, Portable and Transfer Tanks.

1.12.8.25.2.1 A permit shall be required when tanks are left unattended.

1.12.8.25.2.2 Tanks shall only be left in an area remote from buildings of habitation in such a manner required by the AHJ.

1.12.8.25.3 Vehicles and Contents.

1.12.8.25.3.1 The Head of the Fire Department may assume control of the tank vehicle and its contents if the owner is unable or unwilling to remove the vehicle or its contents within a reasonable time.

1.12.8.25.3.3 Inspections Required.

1.12.8.25.3.3.1 Transport vehicles used in the transportation of combustible liquids shall be subject to inspection by the AHJ.

1.12.8.25.3.4 Permits Not Required.

1.12.8.25.3.4.1 A permit shall not be required for gasoline or other flammable petroleum product provided it is transported in an open vehicle or in a compartment of a closed vehicle separated from the passengers, where the total quantity does not exceed 21 gallons, provided such flammable liquid is contained in approved containers and with no individual container exceeding seven gallons capacity.

1.12.8.25.3.4.2 A permit shall not be required for combustible liquids transported in any open vehicle or in the compartment of a closed vehicle separated from the passengers where the total quantity does not to exceed 55 gallons, provided such combustible liquid is contained in approved containers, substantial metal drums or other similar containers.

1.12.8.25.3.7 CNG, LNG, Hydrogen, and LP-Gas (Alternative Fuels).

1.12.8.25.3.7.1 Notice of Completion and Inspection of Work.

1.12.8.25.3.7.1.1 Upon completion of an installation or connection, the person, firm or corporation having made the installation or connection shall notify in writing on a form approved by the State Fire Marshal to the Head of the Fire Department that the work has been completed, and in conformity with the requirements of this *Code*.

1.12.8.25.3.7.1.2 Upon receipt of such notification, the AHJ shall make an inspection of the installation within a reasonable time. If the work is found to be in accordance with this *Code* and, if applicable, 502 CMR 5.00: *Permit Requirements and Annual Inspection of above Ground Storage Tanks or Containers of More than Ten Thousand Gallons Capacity*, the AHJ shall issue to the owner or occupant a permit for the keeping, storage, manufacture or sale in connection therewith, except where such storage is otherwise authorized by license.

1.12.8.25.3.7.2 Certificate of Completion.

1.12.8.25.3.7.2.1 See Section 1.12.8.51 for Certificate of Completion requirements regarding alternate fuel storage installations and connections.

Table 1.12.8.25* Permits Required

Chapter 42	Refueling [Cargo Tanks, Portable Tanks, or Transfer Tanks]	
Work/Activity	Issuing Authority	Code Section
*To store flammable and combustible liquids.	Head of Fire Department	1.12.8.50
For dispensing motor fuel from a tank vehicle.		42.7.6
On-Demand Mobile Fueling (dispensing, or storage)		42.12
CNG, LNG, Hydrogen, and LP-Gas (Alternative Fuels)		42.8.2.1

ATable 1.12.8.25 Permits Required. Used here, "to store" includes the parking location of Cargo Tanks, Portable Tanks, or Transfer Tanks during nonbusiness hours. As a condition of the flammable/combustible storage permit, the tank vehicle should comply with NFPA 385 as referenced in *Sections 42.7.2.2.1 and 42.7.6.2*, the conditions of *Section 42.15*, and the requirements of 49 CFR, *Transportation*. Each tank vehicle should be specifically identified on the storage permit.

1.12.8.25 Marine Fueling. [Chapter 42]

1.12.8.25.1 Permit Holder. A permit holder shall comply with following:

- (1) The permit holder of every marine fueling facility shall designate one or more persons to be an authorized marine fueling operator.
- (2) Each marine fueling operator shall be as described in *Section 1.12.8.26.2*
- (3) The permit holder shall keep a written record for each authorized marine fueling operator.
 - (a) Such written record shall be maintained for a period of three years.
 - (b) Such written records shall include the following information:
 1. The name, home address, telephone number, and age;
 2. The date and location of the training;
 3. A summary of the training program topics;
 4. A dated signature of the employee administering the training; and
 5. A dated signature from the employee receiving the training.

1.12.8.25.2 Marine Fueling Operator. The operator shall be 18 years of age or older and responsible for the oversight of the actual fueling activity conducted by the marine fueling facility and shall comply with the following:

- (1) The operator shall be the permit holder or shall be an agent or employee under the direct control or supervision of said permit holder.
- (2) All marine fueling operator shall be adequately and properly trained prior to conducting any fueling activity.
- (3) Training shall be conducted at least on an annual basis and at a minimum, shall include the following areas:
 - (a) Familiarity of Chapter 42 of this *Code*;

- (b) The properties and hazards of flammable and combustible liquids;
- (c) Handling precautions for flammable and combustible liquids;
- (d) The manufacturers' operating instructions for operating all fueling equipment (pumps, nozzles, controls, emergency shutoff, *etc.*) and related equipment; and
- (e) Familiarity with the operation and location of all fueling equipment and of all emergency equipment and procedures, including:
 - 1. Emergency notifications (for mobile operators site by site specific);
 - 2. Evacuation procedures;
 - 3. Emergency shutoff equipment location and operation;
 - 4. Fire extinguisher locations and operations;
 - 5. Location and proper operation of any extinguishing systems; and
 - 6. Standby for the arrival of emergency responders.

1.12.8.26.3 *Table 1.12.8.26* shall apply to Chapter 42.9 entitled *Marine Fueling*. No work or activity described in *Table 1.12.8.26* shall be performed until such time as a valid permit has been issued.

Table 1.12.8.26 Permits Required

Chapter 42	Refueling [Marine Fueling]	
Activity	Issuing Authority	Code Section
The dispensing, transferring of fuel at marine fueling facilities.	Head of Fire Department or State Fire Marshal	42.9.1.4
To construct or alter a new or existing marine fueling facility.		
To maintain a fueling facility.		
		<i>See also</i> Section 1.12.8.26

1.12.8.26 Spraying, Dipping, and Coating Using Flammable or Combustible Materials.

[Chapter 43]

1.12.8.27.1 Prohibited Products.

1.12.8.27.1.1 The use of any clear or pigmented wood finish formulated with nitrocellulose or synthetic resins to dry by evaporation and without chemical reaction, having a flashpoint below 100°F, and having a vapor pressure not exceeding 40 psi at 100°F, including clear lacquer or sanding sealers, shall be prohibited. [M.G.L. c. 94, § 329]

1.12.8.27.2 *See* Chapters 60 through 75 for permitting requirements regarding hazardous materials.

1.12.8.27.3 *Table 1.12.8.27* shall apply to Chapter 43 entitled *Spraying, Dipping, and Coating Using Flammable or Combustible Materials*. A permit shall be used, completed, and issued as a precondition before conducting any work/activity described by *Table 1.12.8.27*

Table 1.12.8.27 Permits Required

Chapter 43	Spraying, Dipping, and Coating Using Flammable or Combustible Materials
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Work/Activity	Issuing Authority	Code Section
Storage, use or handling of hazardous materials	Head of Fire Department	43.1.1.4
		<i>See also</i> Section 1.12.8.27

1.12.8.28 Chapter 44 Reserved.

1.12.8.29 Combustible Fibers. [Chapter 45]

1.12.8.29.1 No permit shall be required for the agricultural storage of combustible fibers.

1.12.8.29.2 *Table 1.12.8.29* shall apply to Chapter 45 entitled *Combustible Fibers*. No work or activity described in *Table 1.12.8.29* shall be performed until such time as a valid permit has been issued.

Table 1.12.8.29 Permits Required

Chapter 45	Combustible Fibers	
Work/Activity	Issuing Authority	Code Section
For storage or handling of combustible fibers > 100 ft. ³ (2.8 m ³)	Head of Fire Department	45.1.4
		<i>See also</i> Section 1.12.8.29

1.12.8.30 Chapter 50 Reserved.

1.12.8.31 Industrial Ovens and Furnaces. [Chapter 51]

1.12.8.31.1 *Table 1.12.8.31* shall apply to Chapter 51, entitled *Industrial Ovens and Furnaces*. No work or activity described in *Table 1.12.8.31* shall be performed until such time as a valid permit has been issued.

Table 1.12.8.31 Permits Required

Chapter 51	Industrial Ovens and Furnaces	
Work/Activity	Issuing Authority	Code Section
Installation and operation of an industrial oven, or industrial furnace.	Head of Fire Department	51.1.2

1.12.8.32. Energy Storage Systems. [Chapter 52]

1.12.8.32.1 *Table 1.12.8.32* shall apply to Chapter 52, entitled *Energy Storage Systems*. No work or activity described in *Table 1.12.8.32* shall be performed until such time as a valid permit has been issued.

Table 1.12.8.32 Permits Required

Chapter 52	Energy Storage Systems	
Work/Activity	Issuing Authority	Code Section
To install and operate energy storage systems having a capacity greater than the quantities listed in Table 1.3 of NFPA 855.	Head of Fire Department	52.1.2

1.12.8.33 Chapter 53 Reserved.

1.12.8.34 Hazardous Material. [Chapter 60]

1.12.8.34.1 Permit Requirements.

- (1) A permit holder shall apply for the renewal on an annual basis.
- (2) A new permit shall be required prior to engaging in any new or modified hazardous material process activity, which results in a change to a different process category authorized by the current permit.

1.12.8.34.2 Process or Processing of any Hazardous Material at any Facility.

- (1) A permit shall be required for the process or processing of any hazardous material at any facility identified in this *Code* as Category 2 through Category 5, as described in Chapter 60.
- (2) The AHJ may require technical assistance in accordance with *Section 1.15* to evaluate the adequacy of a Category 3 or Category 4 facility process safety conditions, programs, procedures, and practices undertaken at the facility, but only after a notice of denial has been properly served upon the person making application.

1.12.8.34.3 Table 1.12.8.34 shall apply to Chapter 60 entitled Hazardous Materials. No work or activity described in *Table 1.12.8.34* shall be performed until such time as a valid permit has been issued.

Table 1.12.8.34 Permits Required

Chapter 60	Hazardous Material	
Work/Activity	Issuing Authority	Code Section
Process or Processing of any Hazardous Material in Category 2, 3, 4, and/or 5.	Head of Fire Department	60.8.1.1.1
Crop ripening or color processing.	Head of Fire Department	60.8.4
Where that process involves the storage, handling, and use of a flammable compressed gas		63.1.2
Where that process involves the storage, handling, and use of a combustible or flammable liquid		66.1.5
		<i>See also Section 1.12.8.34</i>

	<i>See also Table 1.12.8.50</i>
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1.12.8.35 Aerosol Products. [Chapter 61]

1.12.8.35.1 Permit Requirement.

1.12.8.35.1.1 A permit shall be required based on the aggregate quantity.

1.12.8.35.2 Permit Not Required.

1.12.8.35.2.1 A permit shall not be required for level 1 aerosol products.

1.12.8.35.3 *Table 1.12.8.35* shall apply to Chapter 61 entitled Aerosol Products. No work or activity described in *Table 1.12.8.35* shall be performed until such time as a valid permit has been issued.

Table 1.12.8.35 Permits Required

Chapter 61	Aerosol Products	
Work/Activity	Issuing Authority	Code Section
Storage > 500 lbs.	Head of Fire Department	61.1.2
		<i>See also Section 1.12.8.35</i>

1.12.8.36 Chapter 62 Reserved.

1.12.8.37 Compressed Gases and Cryogenic Fluids. [Chapter 63]

1.12.8.37.1 Permits shall be required in accordance with *Tables 1.12.8.37(a), (b) and (c)*.

1.12.8.37.2 *See Chapters 41, 42, 60, 63, and 69* for additional requirements and exceptions.

Table 1.12.8.37(a) Permits Required

Chapter 63	Compressed Gases and Cryogenic Fluids	
Work/Activity	Issuing Authority	Code Section
Storage of compressed gases Inside of a building/Outside of a building	Head of Fire Department	63.1.2 <i>See also Tables 1.12.8.50 and 1.12.8.37(b) and (c)</i>

Table 1.12.8.37(b) Permit Amounts for Compressed Gases

Type of Gas	Amount*	
	ft. ³	m ³
Corrosive	≥200	≥ 0.5.7
Flammable	≥200	≥ 0.5.7
Highly toxic	Any amount	
Inert and simple asphyxiant	≥6000	≥169.9

Oxidizing (including oxygen)	≥504	≥14.3
Pyrophoric	Any amount	
Toxic	Any amount	
Unstable (reactive)	Any amount	

*Cubic feet measured at normal temperature and pressure.

Table 1.12.8.37(c) Permit Amounts for Cryogenics

Type of Cryogen	Inside Building (gal.)	Outside Building (gal.)
Corrosive	Over 1	Over 1
Flammable	Over 1	60
Toxic/highly toxic	Over 1	Over 1
Nonflammable	60	500
Oxidizer (includes oxygen)	10	50

1.12.8.38 Chapter 64 Reserved.

1.12.8.39 Blasting, Explosives, Fireworks, and Model Rocketry. [Chapter 65]

1.12.8.39.1 Explosives and Blasting.

1.12.8.39.1.1 Permit Requirements. Compliance with the following shall be required:

- (1) For the purpose of obtaining a permit, the capacity of a storage magazine, in pounds, shall be the maximum constructed storage capacity of the magazine as reported to the Bureau of Alcohol Tobacco, Firearms and Explosives (ATF).
- (2) An application for a permit to conduct a blasting operation shall include the submittal of an Explosives User's Certificate and a Certificate of Competency.
- (3) No permit to detonate explosives shall be issued until compliance with M.G.L. c. 82 §§ 40-40E, has been established by the applicant.
- (4) Such permit shall remain in effect for a minimum of 30 days, unless extended, suspended, or revoked.
- (5) For deliveries of explosive materials to any magazine, building, or structure shall be in accordance with M.G.L. c. 148, § 12.

1.12.8.39.1.1.1 Sale or Transfer. Compliance with the following shall be required for permits:

- (1) The transferee shall immediately apply for a new permit for the magazine, building or structure.
- (2) Any owner shall notify the State Fire Marshal immediately of the sale or transfer of a magazine, building or structure. The owner shall remove the permit number from the magazine, building or structure upon sale or transfer.

1.12.8.39.1.1.2 Application to Manufacture.

1.12.8.39.1.1.2.1 Applicants for a permit to manufacture explosives shall submit proof of a valid license to manufacture explosives materials, which has been issued in accordance with 27 CFR Part 55, entitled *Commerce in Explosives*, and as applicable, a license and/or registration, to keep, store,

manufacture or sell explosive material, issued in accordance with M.G.L c. 148, § 13.

1.12.8.39.1.1.3 Information Required for Application

1.12.8.39.1.1.3.1 An applicant for a permit to manufacture Explosives shall provide the following information:

- (1) The name of the owner and/or occupant;
- (2) A site plan, which is drawn to scale, and details the arrangement of buildings and magazines, paths of egress from each, their relative location to other buildings and property lines, and the location(s) where explosives manufacturing will take place;
- (3) The names and maximum quantities of any/all explosives, raw materials, and finished products anticipated to be on site;
- (4) The manner in which the listed explosives, raw materials, and finished products are to be kept, stored, and/or used;
- (5) The nature of work to be carried out in each building.

1.12.8.39.1.1.4 Permits Not Required. Permits shall not be required for the following:

- (1) For smokeless propellants displayed in commercial establishments intended for sale and not exceeding 25 lbs. and stored in original manufacturer's containers of one lb. maximum capacity.
- (2) Small arms ammunition, primers, smokeless propellants and black powder stored in original containers and stored in a locked cabinet, closet or box when not in use as provided in *Section 1.12.8.50*. Small arms ammunition, as used here, shall mean any shotgun, rifle, or pistol cartridge and any cartridge or propellant actuated devices, excluding military ammunition containing bursting charges or incendiary, tracer, spotting, or pyrotechnic projectiles.

1.12.8.39.1.1.5 Notification.

1.12.8.39.1.1.5.1 For each day in which any blasting operations are to be performed, notification shall be given to the head of the fire department at least two hours prior to such operations, if required by the Head of the Fire Department. Failure to notify may be cause for revocation of the permit.

1.12.8.39.2 Fireworks.

1.12.8.39.2.1 Permit Requirements. The following permit provisions shall be complied with:

- (1) An application for permit has been submitted and shall include the submittal of a fireworks user's certificate and a certificate of competency.
- (2) The quantity and description of materials to be used shall be listed on the permit application.

1.12.8.39.2.2 Displays.

- (1) Applications shall be submitted, in writing at least 20 days in advance of a display, unless this advance notification requirement is waived by the Head of the Fire Department.
- (2) Upon receipt of an application for a fireworks display, the Head of the Fire Department shall make, or cause to be made, a review of the pertinent facts set forth in the application and a physical inspection of the display grounds for the purpose of determining compliance with the provisions of this *Code*.
- (3) These requirements may be waived if the same display has been witnessed at similar separate locations.

(4) Within five (5) days of the completion of such review and inspection for a fireworks display, the Head of the Fire Department shall transmit one copy of said application to the State Fire Marshal and one copy to the applicant, with his or her endorsement that the application complies with the applicable provisions of Massachusetts General Law and this Code, or his or her reason for withholding such endorsement.

(5) Denial of a permit application for the use of special effects [fireworks] for ~~just~~ cause shall be determined by the Head of the Fire Department within 24 hours after witnessing the preliminary display, and the applicant shall be so notified in writing within the next 24 hours with the reasons for such denial detailed.

(6) The Head of the Fire Department shall notify the State Fire Marshal of substitutions of certificate holders within two working days following the display.

(7) The applicant for the special effects [fireworks] permit shall demonstrate the fireworks display in the presence of the Head of the Fire Department or his designees at least four hours before the performance at the proposed location of the performance. Notice of the demonstration shall be given to the Head of the Fire Department at least four days in advance documenting the date and time of such demonstration.

1.12.8.39.2.3 Permit Not Required.

1.12.8.39.2.3.1 A permit shall not be required for the transporting [interstate] of such fireworks or pyrotechnic materials if it is in accordance with U.S. DOT, Title 49 CFR.

1.12.8.39.2.4 Cannon Mortar.

1.12.8.39.2.4.1 Permits Requirements.

1.12.8.39.2.4.1.1 A permit for the supervision of the firing of a cannon shall not be issued unless the person holds a valid Certificate of Competency.

1.12.8.39.2.4.3 Application.

(1) Applications shall be submitted indicating where the supervised firing is to take place not less than 15 days in advance of firing date, and shall state whether blank-fire or live-fire is utilized.

(2) Submission of this application is an assurance that the cannons to be fired will be inspected by the competent operator and meets all safety requirements prior to firing.

1.12.8.39.2.5 Permits Not Required.

1.12.8.39.2.5.1 Persons holding a Certificate of Competency for cannons shall be allowed to store less than 50 lbs. of black powder.

Table 1.12.8.39 Permits Required

Chapter 65		Blasting, Explosives, Fireworks, Model Rocketry and Flame Effects	
Work/Activity	Issuing Authority	Code Section	
Black Powder/Blasting/Explosives/Model Rocketry/Pyrotechnics/Cannons/Flame Effects			

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Display of Fireworks Supervision of the use of explosives, fireworks and cannon mortar.	Head of Fire Department	65.2.3
Storage and manufacturing of fireworks.	State Fire Marshal	
A vehicle carrying explosive materials left unattended and parked in an authorized area.	Head of Fire Department	
Pyrotechnics before a proximate audience.	Head of Fire Department	65.3.3
Flame effects before an audience.		65.4.1.1 65.4.2
Fireworks manufacturing. M.G.L. c. 148, § 12	State Fire Marshal	65.5.1.2
Model rocketry including storage of solid propellant model rocket motors, reloading kits, or motor components > 50 lbs. (23 kg) net weight at a residence.	Head of Fire Department	65.6.1
High power rocketry, including storage of high power model rocket motors, motor reloading kits, and pyrotechnic modules.	Head of Fire Department	65.8.2
Explosives including manufacturing and storage of explosive materials. M.G.L. c. 148, § 12	State Fire Marshal	65.9.2.1
Blasting.	Head of Fire Department	65.9.2.2
Keeping and the storage of explosives. M.G.L. c. 148, § 13	State Fire Marshal	65.9.2.1
Transportation [Intrastate]. M.G.L. c. 148, § 13	State Fire Marshal and Head of Fire Department	65.9.2.1
Storage of in any magazine, building or structure.	State Fire Marshal	65.9.2.1
Delivery of fireworks to authorized personnel.	Head of Fire Department	65.9.6.3
Cannon or Mortar Firing.		65.11.2
		<i>See also</i> Section 1.12.8.39

1.12.8.40 Flammable and Combustible Liquids. [Chapter 66]

1.12.8.40.1 Permit Requirement.

1.12.8.40.1.1 Transport a Tank to a Tank Yard.

1.12.8.40.1.1.1 To transport a tank to an approved tank yard, the person requesting the permit shall provide the permit-granting authority (Head of the Fire Department) with notification of the designated site of disposition.

1.12.8.40.1.1.2 Receipt of Delivery.

1.12.8.40.1.1.2.1 Any person granted a permit to remove an installed tank shall, within 72 hours, provide a receipt for delivery of said tank to the site designated on the permit.

1.12.8.40.1.2 Inspection of Tanks. The Head of the Fire Department shall periodically inspect existing above ground tank installations for safety, and if he determines that the installation or operation constitutes a hazard, he shall require unsafe tanks to be removed from service.

1.12.8.40.1.3 Removal of Tanks and Underground Piping.

1.12.8.40.1.3.1 Within 24 hours after the removal of an underground tank and underground piping, the owner shall acquire a measurement for the presence of a release of oil or hazardous materials to the environment where contamination is most likely to be present on the site and, if requested, submit such documented measurements to the AHJ.

1.12.8.40.1.3.2 If contamination is found, the owner shall immediately notify the Head of the Fire Department as well as the Department of Environmental Protection.

1.12.8.40.2 Abandoned Tanks and Piping.

1.12.8.40.2.1 Abandoned tanks and piping shall be removed.

1.12.8.40.2.2 Abandoned, as used here, means any tank and piping without use, either filling or draw off for a continuous period:

- (1) Any tank#10,000 gallons for a continuous period in excess of 12 months.
- (2) Any above ground storage tank >10,000 gallons for a continuous period in excess of 60 months and in compliance with 502 CMR 5.00: *Permit and Inspection Requirements of Above-ground Storage Tanks of More than Ten Thousand Gallons Capacity*.

Table 1.12.8.40 Permits Required

Chapter 66	Flammable and Combustible Liquids	
Work/Activity	Issuing Authority	Code Section
Construction, maintenance or use of any aboveground storage tank >10,000 gallons capacity, in aggregate. M.G.L. c. 148, § 37 502 CMR 5.00: <i>Permit and Inspection Requirements of Above-ground Storage Tanks of More than Ten Thousand Gallons Capacity</i>	State Fire Marshal	

To keep, store, manufacture, handle flammables or combustible liquids.	Head of Fire Department	66.1.5
Installation, maintenance, and storage of waste oil storage tanks.		66
Storage of alcohol-based hand rub preparations > ten gallons.		66
Removal of tanks and underground piping.		66
Abandoned tanks.		66
		<i>See also</i> Section 1.12.8.40

1.12.8.41 Flammable Solids. [Chapter 67]

Table 1.12.8.41 Permits Required

Chapter 67	Flammable Solids	
Work/Activity	Issuing Authority	Code Section
Storage of Flammable solids	Head of Fire Department	67.1.2

1.12.8.42 Chapter 68 Reserved.

1.12.8.43 Liquid Petroleum Gases and Liquefied Natural Gas. [Chapter 69]

1.12.8.43.1 Application for a Permit.

1.12.8.43.1.1 An application for a permit shall be submitted by the person, firm or corporation who will make the installation or connection to an LP-gas storage container, in the name of the owner or occupant of the premises.

1.12.8.43.1.2 Notice of Completion and Inspection of Work.

1.12.8.43.1.2.1 Upon receipt of notification of completion of the work, the AHJ shall make an inspection of the installation within a reasonable time. If same is found to be in accordance with Chapter 69 and if applicable 502 CMR 5.00, the AHJ shall issue to the owner or occupant a permit for the keeping, storage, manufacture or sale of LP-gas in connection therewith, except where such storage is otherwise authorized by license.

1.12.8.43.1.2.2 Violation.

1.12.8.43.1.2.2.1 If such installation is found not to be in accordance with Chapter 69, the permit shall be withheld and shall not be issued until the proper corrections have been made as directed, by written notice if requested, within a reasonably specified time and prior to any LP-gas being stored in the container(s).

1.12.8.43.1.2.2.2 Permits for the storage are considered null and void if such containers are considered abandoned. Where containers are abandoned they shall be removed, as provided in Table 1.12.8.43. If permitted by the AHJ, such container may be reused in accordance with 1.12.8.43.1.1.

1.12.8.43.1.3 Certificate of Completion.

1.12.8.43.1.3.1 See *Section 1.12.8.51* for Certificate of Completion requirements regarding LP-gas storage installations and connections.

1.12.8.43.2 Permits Not Required.

1.12.8.43.2.1 No permit shall be required to make a connection in the replacement of a portable container, or the filling of a stationary container.

Table 1.12.8.43 Permits Required

Chapter 69	Liquid Petroleum Gases and Liquefied Natural Gas	
Work/Activity	Issuing Authority	Code Section
Storage, use and handling and the installation or modification of stationary installations.	Head of Fire Department	69.1.2
Keeping, removal, storage or use of LP-gas >42 lbs aggregate capacity.		
		<i>See also</i> Section 1.12.8.43

1.12.8.44 Chapter 70 Reserved.

1.12.8.45 Chapter 71 Reserved.

1.12.8.46 Chapter 72 Reserved.

1.12.8.47 Chapter 73 Reserved.

1.12.8.48 Ammonium Nitrate.

1.12.8.48.1 If applicable, permits shall comply with the requirements of Chapter 65.

1.12.8.49 Chapter 75 Reserved.

1.12.8.50 Quantities, Permits and License Requirements.

1.12.8.50.1 The activities and aggregate quantities listed in *Table 1.12.8.50* shall be used in determining permit and/or license thresholds.

1.12.8.50.2 All tanks, containers, vessels, and transport vehicles are to be considered full for the purpose of permitting under this *Code* and under M.G.L. c. 148, § 13.

1.12.8.50.3 This section shall not apply to Class II and III liquids that are not heated to or above their flash points and:

- (1) That have no fire point when tested by ASTM D 92, up to the boiling point of the liquid or up to a temperature at which the sample being tested shows an obvious physical change, or
- (2) That are in a water-miscible solution or in dispersion with a water and inert (noncombustible) solids content of more than 80% by weight, which do not sustain combustion when tested using the “Method of Testing for Sustained Combustibility”, per 49 CFR 173, Appendix H, or the UN *Recommendations on the Transport of Dangerous Goods*.

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1.12.8.50.4 If a license is required based on the limits set forth in *Table 1.12.8.50*, it shall be issued in accordance with M.G.L. c. 148, § 13.

1.12.8.50.5 A permit shall be obtained in accordance with *Table 1.12.8.1* through *Table 1.12.8.50* as applicable.

1.12.8.50.6 When storing more than one class of liquid or other materials named in *Table 1.12.8.50*, a license shall only be required for the individual class or materials, which exceed the amounts listed.

1.12.8.50.7 Explosive material classified as Division 1.5 and 1.6 shall not be regulated as an explosive in determining capacities subject to license requirements of M.G.L c. 148, § 13.

Table 1.12.8.50 Permit and/or License Thresholds

Materials	Quantities	Permit	License
Class 1 liquids	< 793 Gallons*	yes	no
Note 1: Gasoline may be used, kept, or stored in any building not used for habitation nor frequented by the public, # 7 gallons and provided the gasoline is stored in one or more approved containers without permit. Note 2: <i>See</i> alcohol based hand rub Table 1.12.8.1 Note 3: No permit or license needed when stored in containers of 60 gallons capacity or less; or Note 4: No permit or license needed when stored in portable tanks over 60 gallons capacity not intended for fixed use, including intermediate bulk containers (IBCs) designed for mechanical handling.	≥ 793 gallons	yes	yes
Class I liquids (in fixed storage containers)	<10,000 gallons**	yes	no
Note: No permit or license needed for storage tanks having a liquid capacity that exceeds 60 gallons capacity, intended for fixed installation and not used for processing.	≥ 10,000 gallons	yes	yes
Class II liquids.	< 10,000 gallons	yes	no
	≥ 10,000 gallons	yes	yes
Class IIIA liquids.	<10,000 gallons	yes	no
	≥ 10,000 gallons	yes	yes
Class IIIB liquids.	< 10,000 gallons	yes	no
	≥ 10,000 gallons	yes	yes
Flammable Solids.	< 100 lbs.	yes	no
	≥ 100 lbs.	yes	yes
Flammable gases (within a building).	< 3,000 cubic feet	yes	no
	≥ 3,000 cubic feet	yes	yes
Flammable gases (outside a building).	< 10,000 cubic feet	yes	no
	≥ 10,000 cubic feet	yes	yes
Fuel oil that may be kept for use in a	< 10,000 gallons of light or of heavy	yes	no

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building or other structure.	\geq 10,000 gallons of light or of heavy	yes	yes
Small arms ammunition of rim fire ammunition. [private use]	< 10,000 rounds	no	no
	\geq 10,000- 30,000 rounds	yes	no
	> 30,000 rounds	yes	yes
Small arms ammunition of center fire ammunition. [private use]	< 10,000 rounds	no	no
	\geq 10,000- 50,000 rounds	yes	no
	> 50,000 rounds	yes	yes
Small arms ammunition of shotgun ammunition. [private use]	< 5,000 rounds	no	no
	\geq 5,000 rounds- 50,000 rounds	yes	no
	> 50,000 rounds	yes	yes
Small arms ammunition primers. [private use]	< 10,000 caps or other small arms primers	no	no
	\geq 10,000 caps or other small arms primers	yes	yes
Small arms ammunition primers. [commercial use]	< 100,000 caps or other small arms primers	yes	no
	\geq 10,000 caps or other small arms primers caps or other small arms primers	yes	yes
Smokeless propellants. [private] Note 1: Persons younger than 18 years old may not keep or store smokeless propellants. Note 2: Not more than two pounds of such propellant shall be stored in a multiple family dwelling or a building of public access.	< 16 lbs.	no	no
Smokeless propellants. [private]	\geq 16 lbs. through 47 lbs.	yes	no
Smokeless propellants. [commercial]	\geq 48 lbs.	yes	yes
	\geq 16 –lbs to < 99 lbs.	yes	no
	\geq 100 lbs.	yes	yes
Black powder. Note: Persons younger than 18 years old may not keep or store any amount of black powder.	\leq 2 lbs \leq 5 lbs. \geq 5 lbs.	no	no

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Black powder. [private]	\leq 50 lbs.	yes	no
Black powder. [commercial] <i>See Section 1.12.8.39.2.5.1 for permit exemption individual.</i>	\geq 50 lbs.	yes	yes
Special industrial explosive devices.	< 50 lbs. net weight of explosives	no	no
	\geq 50 lbs. net weight of explosives	yes	yes
Explosive material. Note: Fireworks can be stored up to 30 days without a land license.	Classified Division 1.1 - 1.6	yes	Yes
LP-gas.	< 42 lbs. [10 gallons]	no	no
	\geq 42 lbs. [10-gallons]	yes	no
	> 2,000 gallons of LP-gas in the aggregate	yes	yes
Flammable or class II combustible liquids unattended within cargo tanks, portable tanks or transfer tanks on a parcel of land. This shall not apply to parcels of land permitted by the Head of the Fire Department prior to September 1, 2008.	\leq 15,000 gallons in the aggregate	yes	no
	> 15,000 gallons in the aggregate	yes	yes

1.12.8.50 Certificates of Completion. A certificate of completion shall be filed as provided in *Table 1.12.8.51*.

1.12.8.50.1 A person making the installation or connection of an oil burner, alternate fuel installation, or LP-gas installation shall within 72 hours (excluding Saturday, Sunday and holidays) after test-firing the burner, file such Certificate of Completion with the Head of the Fire Department.

1.12.8.50.2 Inspection. Upon receipt of a Certificate of Completion, the Head of the Fire Department shall make an inspection of the installation within a reasonable time, and if same is found to be in accordance with this *Code*, the AHJ shall issue to the owner or occupant an applicable permit.

Table 1.12.8.51 Certificates Required for Permit

Chapters 11, 42 and 69	Certificates of Completion
Type	
Oil Burner Technician [Chapter 11]	
Upon completion, the person, firm or corporation having made the installation or connection:	Shall certify in writing on a form approved by the State Fire Marshal to the Head of the Fire Department that the work has been completed, and is in conformity with the requirements of this <i>Code</i> .

CNG, LNG, Hydrogen, and LP-Gas (Alternative Fuels) [Chapter 42]	
Upon completion of an installation or connection, the person, firm or corporation having made the installation or connection:	Shall certify in writing on a form approved by the State Fire Marshal to the Head of the Fire Department that the work has been completed, and in conformity with the requirements of this <i>Code</i> .
LP-gas [Chapter 69]	
Upon completion of an installation or connection, the person, firm or corporation having made the installation or connection:	Shall certify in writing on a form approved by the State Fire Marshal to the Head of the Fire Department that the work has been completed, and in conformity with the requirements of this <i>Code</i> .
	See Section 1.12.8.51

1.13 Certificates.

1.13.1 Authorization. The State Fire Marshal shall have the authority to require certificates and collect fees for individuals or companies performing any of the following activities.

- (1) Sale, manufacture, possession or use of explosive materials, blasting operations, firework displays, storage of fireworks, or use of pyrotechnics or special effects before a proximate audience; *see Sections 1.13.10 and 1.13.11*, and Chapter 65
- (2) Inspection, servicing, or recharging of portable fire extinguishers; *see Section 1.13.5* and Chapter 13
- (3) Installation, servicing, or recharging of fixed fire extinguishing systems; *see Section 1.13.5* and Chapter 13
- (4) Cleaning and inspection of commercial cooking operations; *see Section 1.13.8* and Chapter 50
- (5) Operating self-service gas stations; *see Section 1.13.12* and Chapter 42
- (6) Operating marine fueling facilities and mobile marine fueling vehicles; Chapter 42
- (7) Transportation of any combustible liquid; Chapter 42
- (8) Crowd management services; *see Section 1.13.6* and Chapter 20
- (9) Activities related to the operation and firing of muzzle-loading cannons; *see Section 1.13.9* and Chapter 65
- (10) Altering, repairing, or installing oil burning equipment; *see Section 1.13.7* and Chapter 11

1.13.1.1 No person shall conduct a business or engage in the work or activity prescribed in Section 1.13, unless the appropriate certificate(s), as required in *Sections 1.13.5 through 1.13.13*, have been issued, and that such certificate is not expired, suspended, revoked, or fee not paid.

1.13.1.2 The following provisions shall apply to each certificate issued by the State Fire Marshal:

- (1) Certificates shall be issued in such form as prescribed by the State Fire Marshal;
- (2) Certificates shall not be transferable;
- (3) Certificates shall be issued for the period of time as indicated on the certificate;
- (4) Address change shall be reported in writing to the State Fire Marshal's Office within 14 days of such change to maintain validity of the affected certificate;
- (5) A Certificate shall not be issued to anyone younger than 18 years old;
- (6) Any individual or company to whom a certificate has been issued shall, upon request, produce and show proper identification and the certificate to the AHJ or anyone for

whom that individual or facility seeks to render services;

- (7) Certificates shall not be altered;
- (8) Any evidence of alteration of any certificate shall render the certificate invalid. Altered certificates shall be surrendered to the State Fire Marshal or his or her designee; and
- (9) Any insurance company providing coverage shall be licensed in the Commonwealth of Massachusetts by the Commissioner of Insurance.

1.13.1.3 Any individual or entity, who holds a permit, certificate, or registration issued by the State Fire Marshal to perform an activity prescribed in this chapter, shall constitute agreement and consent by the individual or entity holding the permit, certificate, or registration, to allow the State Fire Marshal to enter the premises at any reasonable time to conduct such inspection, or review such records, as they pertain to conformity with this Code, and/or the performance of activities conducted pursuant to such permit, certificate, or registration.

1.13.1.3.1 Any individual or entity, as described in 1.13.1.3, who fails to comply with the requirements of 1.13.1.3, may be subject to suspension or revocation of its permit, certificate, or registration. Such suspension or revocation shall, where required under the provisions of M.G.L. 30A, be effective after the individual or entity has been given adequate notice and an opportunity to be heard.

1.13.2 Certificates Required by the State Fire Marshal. The following certificates shall be required and issued by the State Fire Marshal:

- (1) **Certificate of Competency (CC).** Issued to a person, in the individual's name, authorizing the person named in the certificate to perform an activity prescribed Section 1.13. The holder of a valid Certificate of Competency must have the Certificate of Competency in his/her possession whenever work is being performed under said Certificate of Competency, and the Certificate of Competency shall be immediately presented to any business interest, AHJ, or compliance officer upon request.
- (2) **Certificate of Registration (CR).** Issued to a person, firm, company, or other legal entity authorizing establishment, operation, and advertising of a business in the name stated on the certificate that performs an activity prescribed in Section 1.13.
 - (a) A separate Certificate of Registration is required for each business location.
 - (b) A Certificate of Registration does not authorize the holder of the Certificate of Registration to perform work or activities for which a Certificate of Competency is required.
 - (c) The holder of a Certificate of Registration shall only advertise the name of the business as it is stated on the Certificate of Registration. Any sign, listing, or advertisement of the business shall display the certificate number.
 - (d) The holder of a Certificate of Registration shall report annually the name, address, and Certificate of Competency number of each certified person in his employ, in a manner acceptable to the State Fire Marshal.
 - (e) Every business issued a Certificate of Registration shall be properly equipped to perform the act or acts as permitted by the Certificate of Registration.
 - (f) Each Certificate of Registration shall be identified by type and shall bear an identifying number delineating as MA-Certificate of Registration-(number), the "MA" indicating it is a Massachusetts certificate.
 - (g) The Head of the Fire Department shall be notified in writing by the business conducting

any service for which a certificate is required, within 48 hours of any deficiencies found and within 48 hours of the completion of the work to bring the system into compliance

- (h) 1.13.2(2)(h) It shall be the responsibility of the holder of a Certificate of Registration to ensure that any individual under employ or control of the Certificate of Registration, who is required to hold a certificate, or registration issued by the State Fire Marshal to perform an activity prescribed in Section 13, holds a valid certificate, or registration at the time the activity is performed.
- (i) 1.13.2(2)(h)(1) Failure by the holder of a Certificate of Registration to comply with the requirement of 1.13.2(2)(h) may subject the holder of the Certificate of Registration to suspension or revocation of its Certificate of Registration. Such suspension or revocation shall, where required under the provisions of M.G.L. 30A, be effective after the holder of the Certificate of Registration has been given adequate notice and an opportunity to be heard.
- (3) **User Certificate (UC).** A UC is required when the holder of a valid Certificate of Registration wishes to operate a business in a name other than the business name listed on the Certificate of Registration. A separate UC is required for each alternate business name that performs an activity prescribed in Section 1.13.
 - (a) A UC does not authorize the holder of the UC to perform work or activities for which a Certificate of Competency is required.

1.13.3 Application for Certificate. Applications shall be made and submitted in a form and manner as prescribed by the State Fire Marshal.

1.13.3.1 The State Fire Marshal or his or her designee shall review every application for a certificate.

1.13.3.2 Examination.

1.13.3.2.1 The State Fire Marshal or his or her designee shall administer a written exam that measures the applicant's ability, knowledge, and skill level.

1.13.3.2.2 The State Fire Marshal shall be permitted to allow an applicant to submit test results from an examination given by a third-party certification entity, taken within two years of the date of application.

1.13.3.2.2.1 The State Fire Marshal or his or her designees shall determine if said test measures the applicant's ability, knowledge, and skill level in a manner equivalent to or greater than, the test administered by the State Fire Marshal.

1.13.3.2.2.2 The State Fire Marshal shall be permitted to establish other examination criteria based on other laws and regulations

1.13.3.2.3 The State Fire Marshal or his or her designee shall conduct an inspection to determine that the applicant possesses the required equipment for the type of certificate sought. A reasonable opportunity shall be given to correct any deficiencies discovered by the inspection before the issuance of the certificate.

1.13.3.3 Incomplete Applications. When the State Fire Marshal or his designee determines that an application to receive a certificate is incomplete, inadequate, or does not otherwise comply with the provisions of this *Code*, policy, or any other applicable law, the State Fire Marshal shall refuse to issue said certificate. If the refusal is based on the applicant's inability to pass an

examination given to determine competency, the applicant may reapply in accordance with the policy of the State Fire Marshal.

1.13.3.4 Applicants.

(1) Applicants shall meet the eligibility criteria for the applicable certificate as established by the State Fire Marshal and provide documentation of knowledge and experience particular to the profession as required on the application for certificate.

(2) Applicants applying for a certificate issued under Section 1.13 shall furnish such documents or other evidence as prescribed by the State Fire Marshal as a condition to the issuance of such certificate.

1.13.3.5 Renewal of Certificate.

1.13.3.5.1 A certificate may be renewed upon written request of the holder, subject to approval by the State Fire Marshal.

1.13.3.5.2 Renewal applications shall be accompanied by the appropriate fee and shall be submitted at least one month in advance of the expiration date or as otherwise required by the State Fire Marshal.

1.13.3.5.3 Applicants submitting a renewal application shall meet the eligibility criteria for the applicable certificate as established by the State Fire Marshal.

1.13.3.5.4 Certificates shall expire as indicted in *Table 1.13.12*.

1.13.4 Revocation or Suspension of Certificates issued by the State Fire Marshal.

1.13.4.1 The State Fire Marshal may, after notice and opportunity for a hearing conducted by the Department, impose administrative sanctions, including but not limited to the suspension or revocation of any certificate, for failure by the holder to comply with any applicable provision of this *Code* and/or M.G.L. c. 148. The State Fire Marshal may also suspend or revoke a certificate if any material misrepresentations are knowingly submitted in the application on which issuance of the certificate was based.

1.13.4.1.1 Administrative action shall be conducted in accordance with the requirements of M.G.L. c. 30A.

1.13.4.1.2 Notice delivered. Any notice issued by the State Fire Marshal under this *Code*, shall be deemed delivered and received by said holder, if the notification is sent by certified mail, return receipt requested, to the last known address of said holder, according to the records of the State Fire Marshal at the time of such mailing.

1.13.4.1.3 Penalty for work during suspension. Any person who engages in any work or trade regulated by this *Code*, after suspension of said ~~license~~, certificate, or registration issued by the State Fire Marshal shall be subject to a minimum three-year suspension of said license, certificate, or registration. Such suspension shall, where required under the provisions of M.G.L. 30A, be effective after the holder of the suspended ~~license~~, certificate, or registration has been given adequate notice and an opportunity to be heard on the sole issue of whether the holder of the suspended certificate, or registration engaged in work which requires an active certificate, or registration issued by the State Fire Marshal, pursuant to Section 1.13.

1.13.4.1.4 Penalty for allowing others to use. Any person who knowingly loans, sells,

transfers, or otherwise allows another to use their certificate, or registration issued by the State Fire Marshals shall be subject to permanent revocation of all certificates, or registrations issued by the State Fire Marshal they hold, without the eligibility for renewal. Said individual shall be permanently prohibited from applying for and holding any certificate, or registration issued by the State Fire Marshal in the future. Such permanent revocation and prohibition shall, where required under the provisions of M.G.L. 30A, be effective after the holder of said certificate, or registrations has been given adequate notice and an opportunity to be heard.

1.13.4.1.5 Penalty for using or possessing another's certificate or registration. Any person who knowingly uses or possesses the certificate, or registration of another or who otherwise falsely represents themselves as a holder of said license, certification, or registration issued by the State Fire Marshal, shall be permanently prohibited from applying for and holding any certificate, or registration issued by the State Fire Marshal. Such prohibition shall be effective, where required under the provisions of M.G.L. 30A, after adequate notice and an opportunity to be heard.

1.13.4.1.6 Penalty for allowing unlicensed employee to use. Any holder of a Certificate of Registration or User Certificate who knowingly permits an unlicensed individual within their employ to use or possess the certificate, or registration of another or to otherwise falsely represent themselves as a holder of a license, certificate, or registration issued by the State Fire Marshal, shall be subject to a minimum three-year suspension of said Certificate of Registration or User Certificate. Such suspension shall, where required under the provisions of M.G.L. 30A, be effective after the holder of the Certificate of Registration or User Certificate has been given adequate notice and an opportunity to be heard.

1.13.4.1.7 Penalty for allowing employee to violate *Code*. Any holder of a Certificate of Registration or User Certificate who knowingly permits an individual in their employ to violate any provision of this *Code*, other than Section 1.13.4.1.6, may be subject to suspension or revocation of said Certificate of Registration or User Certificate. Such suspension or revocation shall, where required under the provisions of M.G.L. 30A, be effective after the holder of the Certificate of Registration or User Certificate has been given adequate notice and an opportunity to be heard.

1.13.4.1.8 Penalty for working after expiration. Any person who engages in any work or trade regulated by this *Code*, after the expiration of said, certificate, or registration issued by the State Fire Marshal shall be subject to a minimum six (6) month prohibition from applying for and holding any license, certificate, or registration issued by the State Fire Marshal and shall be required to take and successfully pass any and all examinations required for such license, certificate, or registration holders, prior to reinstatement. Such prohibition shall, where required under the provisions of M.G.L. 30A, be effective after the holder of the expired license, certificate, or registration has been given adequate notice and an opportunity to be heard on the sole issue of whether the holder of the expired license, certificate, or registration engaged in work which requires an active license, certificate, or registration issued by the State Fire Marshal, pursuant to *Section 1.13*.

1.13.4.1.9 Failure to appear. Any person who is the subject of an administrative hearing on their certificate or registration issued by the State Fire Marshal and who fails to respond to, participate

in or appear at a scheduled hearing or otherwise defaults, shall be subject to an evidentiary hearing in their absence. The Hearing Officer may assume the truth of the allegations in the *Notice to Suspend or Revoke* and impose an appropriate penalty on the holder of said license, certificate, or registration. Consistent with 801 C.M.R. § 1.02(10)(d) said person shall, within ten business days from the date of said notice of administrative action by the State Fire Marshal, request a rescheduled hearing or the outcome of said default hearing will be considered final.

1.13.4.1.10 Disruptive person at hearing. Any person who is the subject of an administrative hearing on their certificate or registration issued by the State Fire Marshal, their counsel, witnesses, and other persons present at a hearing shall conduct themselves in a manner consistent with the standards of decorum commonly observed in any court. Where such decorum is not observed, the Hearing Officer may take appropriate action. Appropriate action may include, but is not limited to, refusal to allow a disruptive person to remain in the hearing and, if such person is subject to an administrative hearing on their certificate, or registration, to allow participation by representative only.

1.13.4.1.11 No renewal during pending actions. No person shall have a ~~license~~, certificate, or registration renewed by the State Fire Marshal, if said license, certificate, or registration has expired and at the time of application for renewal, there is any administrative, court or similar action pending pertaining to said certificate, or registration, until all such matters have been fully resolved.

1.13.4.1.12 No renewal when fines are outstanding. Any person with a suspended, expired, or otherwise inactive certificate, or registration issued by the State Fire Marshal shall not have said certificate, or registration reinstated until any and all outstanding fines have been paid in full.

1.13.4.1.13 No renewal when inactive more than one year. Any person with a suspended, expired, or otherwise inactive license, certificate, or registration for more than a one (1) year period shall not have said certificate, or registration reinstated until they have, where applicable, retaken and successfully passed the examination required for said certificate, or registration.

1.13.4.1.14 Hearing continuance request. Once an administrative hearing is scheduled, continuances will be granted only for good cause. To request a continuance, the party seeking the continuance must submit a written request to the State Fire Marshal at least seven (7) calendar days before the hearing. The request must include the reason why (good cause) the party needs to postpone and how long the party has known the good cause. Emergency requests to continue may be submitted less than seven (7) calendar days in advance. Such emergency requests shall explain in detail why the request could not have been filed sooner and shall contain supporting documentation, where appropriate.

1.13.4.1.15 Penalty for failure to surrender. Failure to surrender a suspended license, certificate, or registration issued by the State Fire Marshal within seven (7) calendar days of said suspension, shall result in continued suspension at the rate of one day for each day of non-compliance. Surrender shall mean delivering the certificate or registration in-hand to the Department of Fire Services or via first-class mail, postmarked within seven (7) calendar days of said suspension.

1.13.4.1.16 Prohibition for applying during suspension. Any holder of a Certificate of Registration or User Certificate issued by the State Fire Marshal that is subject to a suspension of said Certificate of Registration or User Certificate shall be prohibited from applying for or holding another Certificate of Registration or User Certificate issued by the State Fire Marshal under the same or different business name during said suspension period. This temporary prohibition shall also apply to any individual within the employ of or affiliated with said holder of a Certificate of Registration or User Certificate._

1.13.4.2 Instances Involving an Immediate Threat to Public Safety.

1.13.4.2.1 The State Fire Marshal may immediately suspend or revoke, prior to a hearing, any certificate, or any rights and privileges granted thereby, issued under this *Code* or M.G.L. c. 148, whenever the holder thereof has committed a violation of any law, ordinance or bylaw relating to the subject matter of M.G.L. c. 148, or any provision of this *Code*, the nature of which would give the State Fire Marshal reason to believe that the continued operation by such holder is and will be so seriously improper as to constitute an immediate threat to the public safety.

1.13.4.2.2 Upon such suspension or revocation, the State Fire Marshal shall forthwith send written notice thereof to the holder. Such notice shall specify the time and place of the violation.

1.13.4.2.3 The State Fire Marshal or his or her designee may order the certificate to be delivered to him or her forthwith.

1.13.4.2.4 The certificate shall not be reissued unless, upon examination or investigation, or after a hearing, the State Fire Marshal, or his designee determines that the certificate may be re- issued.

1.13.4.2.5 Said holder shall be entitled to a hearing within 30 days of the suspension or revocation.

**1.13.5 Servicing Portable Fire Extinguishers and/or Fixed Fire Extinguishing Systems.
[Chapter 13]**

1.13.5.1 General. To service portable fire extinguishers and/or fixed fire extinguishing systems, both a Certificate of Competency and a Certificate of Registration shall be required.

1.13.5.1.1 A Certificate of Competency shall be required for each person servicing fire extinguishers or systems

1.13.5.1.2 A Certificate of Registration shall be required for each firm, company, corporation or other legal entity servicing fire extinguishers or systems.

1.13.5.1.3 Additional Certificate of Registration shall be required for each business location.

1.13.5.2 Certificate of Competency for Servicing Fire Extinguishers and Systems.

1.13.5.2.1 An applicant requesting a Certificate of Competency shall comply with the following;

- (1) Submit a completed application in accordance with *Section 1.13.3* for the servicing of portable fire extinguishers and/or fixed fire extinguishing systems, identifying applicable type of certificate (restriction(s)) to the State Fire Marshal's Office.
- (2) An application for a Type 47 and a Type 48 Certificate of Competency shall be accompanied by a written attestation, enumerating the applicant's technical qualifications, competency, and experience to charge, recharge, repair, test, inspect and service engineered or pre-engineered systems.

1.13.5.2.2 Examination for Servicing Fire Extinguishers.

- (1) The State Fire Marshal shall establish a comprehensive written examination covering state laws, regulations and industry safety standards pertaining to this *Code*.
- (2) The applicant shall successfully pass an examination as a prerequisite to the issuance of a certificate. The examination shall consist of multiple-choice, fill-in, true-false, or short answer questions, and may include the following topics:
 - (a) Diagrams, plans or sketches;
 - (b) Portable fire extinguishers: charging, recharging, servicing, testing, and inspecting;
 - (c) Engineered fixed fire extinguishing systems: charging, recharging, altering, repairing, testing, inspection, installation, and servicing;
 - (d) Pre-engineered fixed fire extinguishing systems; and
 - (e) Self-service fire extinguishing systems.

1.13.5.3 Certificate of Registration for Servicing Fire Extinguishers and Systems.

1.13.5.3.1 An applicant requesting a certificate for a firm, company, corporation or other legal entity shall submit a completed application in accordance with Section 1.13.3 for the servicing of portable fire extinguishers and/or fixed fire extinguishing systems, identifying applicable type of restriction(s).

1.13.5.4 Service Tags.

1.13.5.4.1 Approved service tags installed by the holder of a certificate shall include all of the following information on the front of the tag:

- (1) The words “Do Not Remove Per Order of the State Fire Marshal” on the top front of tag;
- (2) Servicing firm’s name and address;
- (3) Firm’s Certificate of Registration MA-Certificate of Registration number and type;
- (4) Type of service performed;
- (5) Date service performed;
- (6) Certificate of competency number of the qualified individual who performed or supervised the service(s) performed and their initials;
- (7) Space and lines for recording owner and location of equipment; and
- (8) Space and lines for recording type and size of extinguisher.

1.13.5.4.2 Prior to printing a service tag, each firm holding a valid certificate of registration shall forward one sample of the service tag to the State Fire Marshal for approval.

1.13.5.4.3 One service tag shall be attached to each portable fire extinguisher, engineered or pre-engineered fixed fire extinguishing system or to a vessel which has been hydrostatically tested.

1.13.5.4.4 A service tag shall be affixed and indicate the date, initials and certificate number of the person who conducted the most recent test.

1.13.5.4.5 Any engineered, pre-engineered and self-service fire suppression system inspected and found to be in noncompliance with its listing or manufacturer’s specifications shall have a service tag attached indicating noncompliance.

1.13.5.4.6 Noncompliance Service Tags.

1.13.5.4.6.1 Installed noncompliance service tags shall be bright orange, have the words “Noncompliance” in block letters not less than ½ inch in height and be black in color.

1.13.5.4.6.2 Tags shall contain the firm name, certificate of registration number, date of inspection, the reason for noncompliance and the initials and certificate of competency number of the person who conducted the inspection.

Table 1.13.5 Certificates Required

Chapter 13	Portable Fire Extinguishers and/or Engineered or Pre-engineered Fixed Fire Extinguishing Systems or Performing of Hydrostatic Testing		
Certificate of Registration and Certificate of Competency			
Activity	Description	Types for business entities [Registration]	Types for individuals [Competency]
For the installation, servicing, inspection, testing alteration, repair, and recharging. Note: For hydrostatic testing of cylinders, <i>see</i> Federal License requirements and DOT provisions.	Self-serve Motor Fuel Facilities.	Type 40	Type 41
	Servicing portable fire extinguishers.	Type 42	Type 46
	Servicing engineered fixed fire extinguishing systems.	Type 43	Type 47
	Servicing pre-engineered fixed fire extinguishing systems.	Type 44	Type 48

1.13.6 Crowd Managers. [Chapter 20]

1.13.6.1 General. For an individual to manage crowds of 100 or more in a nightclub, dance hall, discotheque or bar, a Certificate of Competency shall be required.

1.13.6.2 Certificate of Competency for Crowd Manager.

1.13.6.2.1 An applicant requesting a Certificate of Competency shall comply with the following:

- (1) Submit a completed application in accordance with *Section 1.13.3* to the State Fire Marshal's Office;
- (2) The applicant shall be 21 years of age or older;
- (3) The applicant shall receive training, as required by the State Fire Marshal; and
- (4) The applicant shall successfully complete the training course as a prerequisite to the issuance of a certificate.

Table 1.13.6 Certificate Required

Chapter 20	Crowd Manager
Certificate of Competency	
Activity	Description

To an individual who will be managing crowds of 100 or more people.	In a nightclub, dance hall, discotheque, or bar
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1.13.7 Certificates Required by Chapter 11. In addition to the requirements set forth in *Section 1.13* the specific provisions shall apply to the types of certificates as provided by *Section 1.13.7* (1) (a) through (c).

- (1) Oil Burner Technician and Apprentice.
 - (a) Certificate of Competency;
 - (b) Certificate of Completion; and
 - (c) Certificate of Compliance.

1.13.7.1 * Oil Burner Technician and Apprentice.

A.1.13.7.1 See M.G.L. c. 148, §§ 10C through 10H regarding, certificates oil burner installations.

1.13.7.1.1 A Certificate of Competency issued as an oil burner technician or as an apprentice shall be issued to the individual.

1.13.7.1.2 The holder of a Certificate of Competency as an oil burner apprentice, shall not, individually and without supervision, perform any work or activities for which a Certificate of Competency is required, but may assist in the performance of such work or activities so long as the work or activities are performed under direct supervision by an oil burner technician who holds a valid Certificate of Competency.

1.13.7.1.3 Application.

1.13.7.1.4.1 Renewal. License renewal application forms must be submitted no less than 30 days prior to the license expiration date.

1.13.7.1.4 * Examination. Except as provided by *Section 1.13.7.1.5.1*, the examination provisions in 1.13.3.4 shall be required as a prerequisite to licensure.

A.1.13.7.1.5 See the following references:

- (1) M.G.L. c. 148, § 10C Alteration, repair or installation of oil burners; necessity of certificate; exceptions;
- (2) M.G.L. c. 148, § 10D Certificate as oil burner technician; minimum age; application; fee; examination; duration of certificate; electrical work;
- (3) M.G.L. c. 148, § 10E, governing apprentice certificates; fee; duration; expiration; renewal.

1.13.7.1.5.1 The examination provisions shall not be applicable as a prerequisite to licensure as an apprentice.

1.13.7.2 Certificate of Completion. Except as otherwise provided by *Section 1.12.8.2.1*, a Certificate of Completion, as it applies to Chapter 11, entitled Building Services, shall be used, completed, required and submitted to the Head of the Fire Department as a precondition before a permit shall be issued:

- (1) For the delivery of and storage of fuel oil; and
- (2) For the operation of an oil fuel burner.

1.13.7.2.1 The oil burner technician shall be responsible for the submittal of a Certificate of Completion to the Head of the Fire Department within 72 hours (excluding Saturday, Sunday and

holidays), regarding one or more of the activities listed in *Sections 1.13.7.2.1 (1) and (2)*.

- (1) Requesting a permit to store fuel oil
- (2) Inspection;
 - (a) Installation work is completed
 - (b) Tank replacement is completed
 - (c) Oil line protection is completed
 - (d) Combustion performance test is completed.

Exception to *Section 1.13.7.2.1(2)(d)*: A combustion performance test shall not be required when other permitted work, such as the, upgrading oil fuel lines, or the replacement or removal of an oil fuel tank or, for the repair or replacement of zone-valves and circulators and the like are performed.

1.13.7.2.1.1 When the applicable work described in *Section 1.13.7.2.1(2)* is approved, a permit shall be issued for the storage of fuel oil and for the use of the oil fuel boiler.

1.13.7.3* Certificate of Compliance. A Certificate of Compliance is a standard form FP-056 prescribed by the State Fire Marshal and used to document by inspection, compliance with oil line upgrades.

1.13.7.3.1 A Certificate of Compliance shall be completed and signed by a licensed technician.

- (1) Such signature certifies that the subject installation is in compliance and no other work activity is necessary to meet this provision.
 - (a) Upon completion, a copy of such certificate shall be given to the owner and Head of the Fire Department.
- (2) When an oil line needs upgrading as required by Massachusetts General Law, a permit using form FP-056A shall be used, completed, and issued as prescribed in 1.12.8.2.1.1 thereafter, a Certificate of Compliance shall be completed and submitted as provided in 1.13.7.3.1.

1.13.7.3.2 The owner shall receive a copy and submit the Certificate of Completion to the Head of the Fire Department.

1.13.7.3.3 The Fire Department Official shall maintain such Certificate of Completion in accordance with Section 1.11.

1.13.7.4 Fuel Oil Deliveries.

1.13.7.4.1 Fuel oil deliveries shall not commence, unless the deliverer has verification that a permit has been obtained. Such verification may be considered to consist of any of the following:

- (1) Verification by the Head of the Fire Department that such a permit is in effect.
- (2) Written verification from the owner or customer that the permit is either in his or her possession or is posted on the premises.
- (3) Observation that such a permit is in the possession of the owner or customer, or is posted on the premises.

1.13.7.4.2 Fuel oil shall not be delivered to a storage tank by means of a pump or under pressure, in any case where a tight connection is made between the discharge line and the tank inlet, unless such storage tank is designed to withstand the additional stress to which it may be subjected or unless the vent pipe for such tank is of sufficient size to relieve the tank of any undue pressure in excess of five psi. The delivery truck operator shall remain at the fill point during the entire operation.

1.13.8. Cleaning and Inspection of Commercial Cooking and Exhaust Systems. [Chapter 50]

1.13.8.1 General. To clean and inspect commercial cooking and exhaust systems the following certificates shall be required.

1.13.8.1.1.1 A Certificate of Competency shall be required for each person performing such activity and shall be issued as either an Unrestricted Type 1 or Restricted Type 2 Certificate.

1.13.8.1.1.2 A Type 1 Unrestricted Certificate of Competency authorizes the holder to clean and inspect all commercial cooking and exhaust systems.

1.13.8.1.1.3 A Restricted Type 2 Certificate of Competency authorizes the holder to clean and inspect only those commercial cooking and exhaust systems which are owned by the certificate holder or their employer.

1.13.8.1.2 A Certificate of Registration shall be required for any business entity offering such activities.

1.13.8.1.2.1 A Type 1 Certificate of Registration authorizes a sole proprietor, company, firm, corporation, or other legal entity to offer cleaning and inspection of all commercial cooking and exhaust systems.

1.13.8.1.2.2 A Type 1 Certificate of Registration is not a substitute for a Certificate of Competency. A Certificate of Registration, by itself, does not authorize the holder of the Certificate of Registration to perform the actual activity of cleaning and inspection of commercial cooking and exhaust systems without a valid Certificate of Competency.

1.13.8.2 Requirements for Certificate of Competency for Cleaning and Inspection of Commercial Cooking Systems.

1.13.8.2.1 An applicant requesting a Certificate of Competency shall comply with the following prior to issuance.

- (1) Submit a completed application on a form as prescribed by the State Fire Marshal;
- (2) Submit a completed affidavit verifying 500 hours of supervision in the cleaning or inspection of commercial cooking operations.
- (3) Successfully pass a written examination which tests the applicant's knowledge of applicable codes.

1.13.8.3 Certificate of Registration for Cleaning and Inspection of Cooking Systems.

1.13.8.3.1 An applicant requesting a Certificate of Registration shall submit a completed application in accordance with *Section 1.13.3* for the cleaning or inspection of commercial cooking operations to the State Fire Marshal's Office.

Table 1.13.8 Certificates Required

Chapter 50	Cleaning and Inspection of Commercial Cooking and Exhaust Systems	
Certificate of Competency		
Activity	Type	

For an individual to clean and/or inspect any commercial cooking and exhaust systems.	Type 1
For an individual to clean and/or inspect only those commercial cooking and exhaust systems which are owned by him/her or his/her employer.	Type 2 Restricted
Certificate of Registration	
Activity	Type
For a business entity to clean and/or inspect any commercial cooking and exhaust systems.	Type 1

1.13.1 Cannon and Mortar. [Chapter 65]

Table 1.13.9 Certificates Required

Chapter 65	Cannon and Mortar
Certificate of Competency	
Activity	Description
Individuals to conduct or engage in any operation or activity which governs the firing of muzzle-loading cannons.	For patriotic celebrations and reenactments, including all such cannons ranging from pre-revolutionary war vintage to present day facsimiles, except any cannon exhibit in which explosives are not being used.

1.13.1 Fireworks Display, Special Effects or Proximate Audience Displays. [Chapter 65]

1.13.10.1 General. To display fireworks and special effects or proximate audience displays, both a Certificate of Competency and a User Certificate shall be required.

1.13.10.1.1 A Certificate of Competency shall be required for the display of fireworks.

1.13.10.1.2 A Certificate of Competency shall be required for special effects or proximate audience displays.

1.13.10.1.3 A Certificate of Competency shall be required for each person performing ~~each~~ such activity.

1.13.10.1.4 A User Certificates for the display of fireworks shall be required for each firm, company, corporation, or other legal entity.

1.13.10.1.5 Additional User Certificates for the display of fireworks shall be issued contingent upon multiple business locations.

1.13.10.2 Certificate of Competency for Fireworks Display.

1.13.10.2.1 Applicants shall comply with the following:

- (1) Submit a completed application in accordance with *Section 1.13.3* for the display of fireworks to the State Fire Marshal's Office.
- (2) Provide evidence of active employment for a period of three years on a crew for professional fireworks displays, and encompasses a minimum of ten displays.
- (3) Submit at least two letters of reference from holders of valid Certificate of Competency issued by the State Fire Marshal. At the option of the State Fire Marshal, an alternate requirement may be permitted to be substituted.
- (4) Provide evidence of having satisfactorily completed a recognized fireworks safety course, subject to review by the State Fire Marshal, during the past 12 months.
- (5) The applicant shall be 21 years of age or older.
- (6) Pass a comprehensive written examination covering state laws, regulations and industry safety standards pertaining to the display of fireworks and this *Code*.

1.13.10.2.2 Renewal of Certificate of Competency.

1.13.10.2.2.1 The applicant requesting renewal shall comply with the following:

- (1) Provide proof of active participation in at least two fireworks displays during the prior two years;
- (2) Provide a notarized statement attesting that the applicant understands the contents of this *Code* pertaining to fireworks displays and M.G.L. c. 148. The statement shall be made part of the application; and
- (3) Submit a renewal application as provided in *Section 1.13.3* to the State Fire Marshal's Office.

1.13.10.4 User Certificate for Fireworks. [Chapter 65]

1.13.10.4.1 Applicants shall comply with the following:

- (1) Submit a completed application in accordance with *Section 1.13.3* for a User Certificate to the State Fire Marshal's Office; and
- (2) Provide evidence of a valid bond in accordance with M.G.L. c. 148, § 42.
 - (a) Supply evidence of valid liability insurance coverage in the form of a certificate issued by the insurance agency to the State Fire Marshal's Office listing the name and claims representative, providing general liability in the amount of \$1,000,000 per occurrence and \$1,000,000 aggregate coverage; and

- (b) A 30 day cancellation notice to the State Fire Marshal shall be a condition of the policy;
- (3) Provide a notarized statement affirming that all fireworks materials within the possession, custody, and/or control of the User Certificate, shall be transported, stored, handled and/or used in accordance with Chapter 65; and
- (4) Provide a statement attesting that the person or firm understands the contents of this *Code* and M.G.L. c. 148. The statement shall be made a part of the application.

1.13.10.4.2 Expiration of Fireworks User Certificate.

1.13.10.4.2.1 A fireworks User Certificate shall expire upon ~~the~~ expiration of the ATF permit, bond, or the liability insurance, whichever occurs first.

1.13.10.5 Certificate of Competency for Special Effects or Proximate Audience Displays. [Chapter 65]

1.13.10.5.1 Applicants shall comply with the following:

- (1) Submit a completed application in accordance with *Section 1.13.3* to the State Fire Marshal's Office;
- (2) Submit evidence of knowledge and experience particular to the profession of conducting special effects displays. Such evidence shall include written documentation that the applicant has worked in at least ten special effects performances within two years from the date of application, under the direct supervision of a person who possesses a valid Certificate of Competency, issued by the State Fire Marshal, for such special effects issued by the Commonwealth or such similar certificate issued by another state;
- (3) Provide evidence of having satisfactorily completed a recognized fireworks safety course, approved by the State Fire Marshal, during the past 12 months;
- (4) Provide at least two letters of reference from other pyrotechnic certificate holders within the state. At the option of the State Fire Marshal, an alternate requirement can be substituted.
- (5) The applicant shall be at least 21 years of age or older; and
- (6) Pass a comprehensive written examination covering state laws, regulations and industry safety standards pertaining to the display of special effects and this *Code*.

1.13.10.5.2 Renewal An applicant requesting renewal shall comply with all of the following:

- (1) Pass a reexamination covering state laws, regulations and industry safety standards pertaining to the display of special effects;
- (2) Submit proof of actively participating in at least two displays during the prior two years;
- (3) Provide a statement attesting that the person understands the contents of this *Code* pertaining to special effects and M.G.L. c. 148. The statement shall be made part of the application; and
- (4) Submit a renewal application as provided in *Section 1.13.3.3* to the State Fire Marshal's Office.

1.13.10.6 Supervision. Fireworks, special effects and pyrotechnic compositions and devices shall be ignited and be supervised continuously by the person holding a Certificate of Competency for the display.

Table 1.13.10 Certificates Required

Chapter 65	Fireworks, Special Effects and Proximate Audience Displays
Certificate of Competency	
Activity	Description
Individuals to conduct or engage in any activity, operation or act with the use of fireworks.	To conduct outdoor, marine or supervised displays of fireworks.
Individuals to conduct or engage in any activity, operation or act with the use of special effects or proximate audience effects.	To conduct outdoor/indoor, proximate audience special effects displays.
Fireworks User Certificate	
Activity	Description
Companies to conduct or engage in any operation (use or manufacture) or act for which governs the use of fireworks or special effects.	To possess and conduct fireworks or special effects.

1.13.11 To Conduct or Engage in Any Activity, Operation, or Act Dealing with the Use and Manufacture of Explosives. [Chapter 65]

1.13.11.1 General. To conduct or engage in any activity, operation, or act dealing with the use of explosives, both a Certificate of Competency and a User Certificate shall be required.

1.13.11.1.1 A Certificate of Competency shall be required for each person performing activities prescribed in this section.

1.13.11.1.2 A User Certificate shall be required for each firm, company, corporation, or other legal entity engaged in the activities as prescribed in this section.

1.13.11.1.3 Additional user certificates shall be required to be issued contingent upon multiple places of business.

1.13.11.2 Certificate of Competency for Explosives. [Chapter 65]

1.13.11.2.1 Applicants shall comply with the following:

- (1) The applicant shall be 21 years of age or older
- (2) Submit a completed application in accordance with *Section 1.13.3* to the State Fire Marshal's Office;
- (3) Pass a comprehensive written examination covering state laws, regulations and industry safety standards pertaining to this *Code*;
- (4) Provide evidence of having satisfactorily completed a recognized safety course, subject to review by the State Fire Marshal, during the past 12 months; and

- (5) Have at least two letters of reference from other certificate holders within the state. At the option of the State Fire Marshal, an alternate requirement may be permitted.

1.13.11.2.2 Blasting. [Chapter 65]

1.13.11.2.2.1 No blasting operation shall be conducted at any time, unless a blaster holding a Certificate of Competency is physically present.

1.13.11.2.2.2 Trainees, helpers, and other persons shall be permitted to work only under the supervision of a blaster holding a Certificate of Competency.

1.13.11.2.3 User Certificate for Explosives. [Chapter 65]

1.13.11.2.3.1 The applicant shall comply with the following:

- (1) Submit a completed application in accordance with *Section 1.13.3* to the State Fire Marshal's Office;
- (2) Provide evidence of valid liability insurance coverage in the form of a certificate issued by the insurance agency to the State Fire Marshal's Office listing the name and claims representative, providing general liability in the amount of \$1,000,000 per occurrence and \$1,000,000 aggregate coverage. A 30-day cancellation notice to the State Fire Marshal shall be a condition of the policy;
- (3) Provide evidence of a valid blasting bond; and
- (4) Provide a statement indicating that explosive materials shall be kept in magazines which meet the requirements of Chapter 65 and in accordance with 27 CFR Part 55. Provide a notarized statement attesting that the person or firm understands the contents of this *Code* and M.G.L. c. 148.

1.13.11.2.3.2 A User Certificate shall not be required for small arms ammunition. Small arms ammunition, as used here, means any shotgun, rifle, or pistol cartridge and any cartridge or propellant actuated devices, excluding military ammunition containing bursting charges or incendiary, tracer, spotting, or pyrotechnic projectiles;

1.13.11.2.3.3 The User Certificate for explosives shall expire upon the expiration of the ATF permit, bond, or the liability insurance, whichever occurs first.

Table 1.13.11 Certificates Required

Chapter 65	Explosive Use and Handling
Certificate of Competency	
Activity	Description
Allows individuals to conduct or engage in any activity, operation or act dealing with the use of explosives.	To conduct blasting operations, including: research and development (R&D), and blasting for the cleaning of boilers.
Explosive User Certificate	
Activity	Description
Allows companies to conduct or engage in any operation (use, handling or manufacture) of explosives.	To possess and conduct explosive activity or operation.
	To manufacture explosive materials.

1.13.12 Certificate of Registration for On-demand Fueling.

1.13.12.1 An applicant requesting a Certificate of Registration (CR) shall submit a completed application in accordance with *Section 1.13.3* to conduct On-demand Fueling operations to the State Fire Marshal's Office in accordance with the following:

- (1) Provide evidence of valid liability insurance coverage in the form of a certificate issued by the insurance agency to the State Fire Marshal's Office listing the name and claims representative, providing general liability in the amount of \$1,000,000 per occurrence, and \$5,000,000 aggregate coverage. A 30-day cancellation notice to the State Fire Marshal shall be a condition of the policy.
- (2) Provide a notarized statement attesting that fueling operations shall meet the requirements of Chapter 42.
- (3) Provide a notarized statement attesting that the applicant understands the contents of this *Code* and M.G.L. c. 148.
- (4) Provide a copy of the general safety and emergency response plan.

Table 1.13.12 Certificates Required

Chapter 42	On-demand Mobile Fueling
Certificate of Registration	
Activity	Description
Companies to conduct the fueling of motor vehicles to the general public.	Mobile fueling of vehicles

1.13.13 Renewal of Certificates. The following certificates shall be renewed as provided in Table 1.13.12 and Section 1.13.

Table 1.13.13

Chapter	Type of Certificate	Description	Expiration Date [See Note 1 and 2]	Exam Required for Renewal	Acronym*
11	Competency Technician	To alter, repair or install any oil burning equipment or any of the appurtenances thereto	Initial licensure 12 months from DOB Every 24 months after based on DOB	No, unless failed to renew within 2 yrs. of expiration	BU
11	Competency Apprentice	Can only work under the direct supervision of a technician regrading oil burning equipment or any of the appurtenances thereto	Initial licensure 12 months from DOB Every 24 months after based on DOB	No	OA
13	Registration	Servicing Self-serve Motor Fuel Fire Suppression Systems. Company Type 40	two yrs. from date of issue	No	CR

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13	Registration	Servicing Portable Fire Extinguishers. Company Type 42	two yrs. from date of issue	No	CR
13	Registration	Special Hazards Engineered (Fixed Fire Extinguishing Systems.) Company Type 43	two yrs. from date of issue	No	CR
13	Registration	Special Hazards Pre-engineered (Fixed Fire Extinguishing Systems.) Company Type 44	two yrs. from date of issue	No	CR
42	Registration	On-demand Fueling	two yrs from date of issue	No	ODF
50	Competency	Cleaning of Commercial Cooking Exhaust Systems Individual Type 2 Restricted	three yrs. Renewal on DOB	No	HC
50	Competency	Cleaning/Inspection of Commercial Cooking Exhaust Systems Individual Type 1			
50	Registration	Cleaning/Inspection of Commercial Cooking Exhaust Systems Company Type 1	two yrs. from date of issue	No	HCI
65	Competency	Cannon/Mortar Individual	five yrs. Renewal on DOB	No	CN
20	Competency	Crowd Manager Individual	three yrs. from date of issue	Yes	MFA
65	Competency	Special Effects Individual	two yrs. Renewal on DOB	Yes	SE
	User	Special Effects Company	one yr. or less dependent on ATF permit, bond and/or insurance	No	PY
	User	Pyrotechnic Company	one yr. or less dependent on ATF permit, bond and/or insurance	No	PY
	User	Fireworks Company	two yrs. Renewal on DOB	No	PY
65	Competency	Fireworks Individual	two yrs. Renewal on DOB	No	FW

Chapter	Type of Certificate	Description	Expiration Date [See Note 1 and 2]	Exam Required for Renewal	Acronym*
65	Competency	Explosives Individual	two yrs. Renewal on DOB	No	BL

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65	Registration	Blasting (Site work) Company	Based on the Explosive User Certificate	No	BL
65	User	Blasting (Boiler) Company		No	BL
13	Competency	Servicing Engineered Fixed Fire Extinguishing Systems Individual Type 47	two yrs. Cycle Renewal on DOB	No	CC
13	Competency	Servicing Pre-engineered Fixed Fire Extinguishing Systems Individual Type 48	two yrs. Renewal on DOB	No	CC
13	Competency	Self-serve Motor Fuel Facilities Individual Type 41	two yrs. Renewal on DOB	No	CC
13	Competency	Servicing Portable Fire Extinguishers Individual Type 46	two yrs. Renewal on DOB	No	CC
65	User	Explosives Certificate by location	one yr. or less dependent on ATF permit, and insurance Bond is waived for R & D Licenses	No	EUC
		Blasting Company			
		Research and Development Company			
		Boiler Cleaning Company			
65	User	Transport Fireworks (Permit by location)	one yr. from date of issuance	No	TF
		Magazine Explosives (Permit by location)	Annually on 3/31	No Exam, inspection required	MP
		Mobile			
		Magazine Explosives (Permit by location)	Annually on 10/31	No Exam, inspection required	MP
		Permanent			
65	User	Remote Firing Panel	five yrs. from date of issuance	No Exam, inspection required	RF
65	User	Dense Pack Portable firing trailers			DPP
65	User	Sell Explosives (License by location)	one yr. from date of issuance	No	LS
65	User	Sell Black or Smokeless Powder (License by location)	one yr. from date of issuance	No	SP

42	User	Marine Fueling:	Annually on 12/31	No	MF
		Marine Fuel Barges			
		Mobile Marine Fueling			
		Fixed Marine Fueling			
		Seasonal Marine Fueling Facility			

* Identifier for certificates used in database (MLO)

Note 1. DOB as used here means the date and year someone was born or such anniversary date.

Note 2. ATF as used here means Bureau of Alcohol, Tobacco and Firearms and Explosives.

1.14 Plan Review and Approvals.

1.14.1 General.

1.14.1.2 Where permits and plan reviews are required by this *Code*, the AHJ shall complete the plan reviews for new construction, modification, or rehabilitation, of any building, structure, or facility.

1.14.1.3 Construction documents and shop drawings submitted shall be approved by the AHJ before work commences and within 30 days of the date of receipt of a completed application and construction documents, unless extended by the AHJ.

1.14.1.4 Review and approval by the AHJ shall not relieve the applicant of the responsibility of continued compliance with this *Code*.

1.14.1.5 When required by the AHJ, revised construction documents or shop drawings shall be prepared and submitted for review and approval to illustrate corrections or modifications necessitated by field conditions or other revisions to approved plans.

1.14.2 Applicants Responsibility.

1.14.2.1 The applicant shall be responsible to ensure that the following conditions are met:

- (1) The construction documents include fire protection requirements;
- (2) The shop drawings are correct and in compliance with the applicable codes and standards; and
- (3) The contractor maintains an approved set of construction documents on site.

1.14.3 AHJ Responsibility.

1.14.3.1 It shall be the responsibility of the AHJ to promulgate policies and procedures that govern the following:

- (1) Criteria to meet the requirements of Sections 1.12 and 1.13; and
- (2) Review all of documents and related information within the established time frames for the purpose of acceptance or providing reasons for non-acceptance.

1.14.4 Explosives Manufacturing.

1.14.4.1 Plans.

1.14.4.1.1 Explosives manufacturing requires a plan drawn to scale showing the arrangement of the various buildings and magazines of the manufactory and the egress therefrom, their relative location to other buildings and property lines and shall be submitted to the Head of the Fire

Department and State Fire Marshal indicating the following:

- (1) The location of the manufactory;
- (2) The name of the owner and/or occupant;
- (3) The kind and maximum quantities of the explosives, raw materials, and finished products and the manner in which they are to be kept or stored;
- (4) The nature of the work to be carried on in each building; and
- (5) A fire safety analysis conducted by a registered professional engineer.

1.14.5 Marine Fueling Facility.

1.14.5.1 General.

1.14.5.1.1 Prior to conducting any construction or alteration activity to a new or existing fixed marine fueling facility, a registered design professional shall prepare and submit three complete stamped and scaled sets of plans and specifications to the Head of the Fire Department and the State Fire Marshal.

1.14.5.1.2 One set of plans shall be marked State Fire Marshal's office copy, a second set of plans shall be marked Head of Fire Department copy, and the third set of plans marked owner's copy. Such marking for each set of plans shall be in bold and located on the lower right hand legend.

1.14.5.1.3 All designs, blueprints, plans, and specifications shall comply with the provisions of this *Code* and any other applicable state and federal regulations. The Head of the Fire Department and the State Fire Marshal's Office must approve the design submission or modification before any construction is commenced. The packet of plans and specifications shall include the following:

- (1) The design review fee required by the Head of the Fire Department and the State Fire Marshal's Office;
- (2) A cover letter providing an overview of the planned work, the location of the work, and the legal name and address of the facility owner, operator, and person(s) or company who will be conducting the work;
- (3) A copy of the current and valid registration or copy of the license to store flammables (Form FP-2) issued under M.G.L. c. 148, § 13 or a current and valid permit if a license is not applicable under M.G.L. c. 148, § 13;
- (4) Current permit (existing facilities only);
- (5) Scaled design plans indicating the locations of all piers, storage tanks, piping systems, hoses, dispensing nozzle locations, equipment, signage, path of the electrical static grounding systems, fire access roadway(s), travel from the closest fire apparatus to the foot of the marine wharf, the location and type of water standpipe system, the location of the nearest hydrant, location of the piping system, flexible hose, couplings, control valves, and swing and swivel joints, and for mobile fueling facilities, the designated location(s) that the fuel truck shall park to dispense fuel. A notation on the plan legend shall indicate the location and type of fire extinguishing systems, fuel dispensing nozzles, and the maximum number of dispensing nozzles which can be operated simultaneously;
- (6) A statement that the blueprints, plans, and specifications of the installation comply with the requirements of the provisions of this *Code* and any other applicable state or federal regulation;
- (7) A clear indication of fire access roadways and appropriate signage as directed by the Head of the Fire Department to allow for local enforcement of fire lane designation; and

- (8) A detailed drawing of the entire marine wharf, and floats showing the fueling location, tie up area(s), and all of the berthing areas.

1.15 Technical Assistance.

1.15.11 General.

1.15.1.1 As permitted by other sections of this *Code*, the AHJ shall be permitted to require a review by an approved independent third-party with expertise in the matter, to be reviewed at the submitter's expense.

1.15.1.2 The independent reviewer shall provide an evaluation and, if appropriate, recommend necessary changes of the proposed design, operation, process, or new technology to the AHJ.

1.15.1.3 The AHJ shall be authorized to require design submittals to bear the stamp of a registered design professional.

1.15.1.4 The AHJ shall make the final determination as to whether the provisions of this *Code* have been met.

1.16 Notice of Violations and Penalties.

1.16.11 General.

1.16.1.1 Any person who mutilates, destroys, or removes posted orders or notices without the authorization of the AHJ shall be deemed in violation of this *Code*.

1.16.1.2 Criminal Enforcement. Whenever the AHJ has reason to believe that a violation of this *Code* has occurred, written notification of said violation shall be issued in accordance with the provisions of M.G.L. c. 148.

1.16.1.3 Alternative Civil Enforcement Option. As an alternative to initiating criminal proceedings in a court of law under the provisions of M.G.L. c. 148, the AHJ may initiate the alternative civil code enforcement option as provided in M.G.L. c. 148A, by issuing the standardized notice of violation form as prescribed by M.G.L. c. 148A. The provisions of Section 1.16.3 may only be utilized by the Head of the Fire Department or his or her designee if the jurisdiction has designated a municipal hearings officer in accordance with M.G.L. c. 148A.

1.16.3.1 Any order or notice issued pursuant to this *Code* shall be served upon the owner, operator, occupant, or other person responsible for the condition or violation in accordance with the provisions of M.G.L. c. 148 or, if applicable, M.G.L. c. 148A, if the alternative civil enforcement option is utilized.

1.16.14 Penalties.

1.16.4.1 Any person who fails to comply with the provisions of this *Code* or who fails to carry out an order made pursuant to this *Code* or violates any condition attached to a permit, approval, or certificate shall be subject to penalties in accordance with M.G.L. c. 148 or, if applicable, M.G.L. c. 148A.

1.16.4.2 reserved

1.16.4.3 reserved

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1.16.4.4 reserved

1.16.4.5 Failure to comply with the time limits of an abatement notice or other corrective notice issued by the AHJ shall, unless otherwise specified, result in a new and separate offense for each day that such violation continues.

1.17.1 Misrepresentation. Any attempt to misrepresent or otherwise deliberately or knowingly design, install, service, maintain, operate, sell, represent for sale, falsify records, reports, or applications; or other related activity in violation of the requirements prescribed by this Code shall be a violation of this Code.

1.17.1.1 The installation or use, in any building, of any device or object that reasonably appears to be a smoke detector, sprinkler head, carbon monoxide alarm, heat detector, or any similar device, used for life safety or fire protection, that is in fact, neither designed nor capable of performing such life safety or fire protection function, shall be prohibited

1.17.2 Such violations shall be cause for immediate suspension or revocation of any related approvals or permits issued.

1.17.3 Such violations shall be subject to any other criminal or civil penalties provided by the laws or other applicable regulations of the Commonwealth of Massachusetts.