



# **Quick Reference Guide**

## **Fire Department Authority for Adverse Weather**

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# Department of Fire Services Commonwealth of Massachusetts

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### I. INTRODUCTION

In the face of adverse weather events, fire departments often find themselves at the forefront of emergency response and public safety efforts. Whether responding to severe storms, extreme temperatures, or other natural disasters, fire departments must navigate a complex web of statutory and regulatory frameworks that grant them specific authorities and impose certain limitations on the actions of others during these weather events.

This guide has been compiled to assist fire departments in Massachusetts by providing a basic overview of the statutory and regulatory authorities or responsibilities for chiefs and fire departments related to adverse weather conditions. The information presented here is for informational purposes only and does not, nor is it intended to, constitute legal advice. Questions about a specific factual scenario or how it relates specifically to your department should be directed to your city solicitor or town counsel.

### II. PROHIBITING OPEN FLAMES IN DROUGHT CONDITIONS

During periods of drought or exceptionally dry conditions, the risk of brush and wildfires significantly increases, necessitating proactive measures to protect life, property, and the environment. Fire departments in Massachusetts have the authority to impose restrictions on open flames, outdoor burning, and other high-risk activities to reduce the likelihood of fires starting and spreading uncontrollably.

Section 527 CMR 1.00, section 10.10.2 of the Massachusetts Comprehensive Fire Safety Code, grants the Authority Having Jurisdiction, in most cases the head of the fire department, with “the authority to prohibit any or all open flames, use of fireworks, candles, and open, recreational, and cooking fires or other sources of ignition or establish regulations on the use of any form of fire or smoking materials where circumstances make such conditions hazardous.” Under Annex A of the Code, “Hazardous conditions could include extreme drought, or red-flag-type conditions that can result in rapidly developing wildfires.”

#### A. Penalties

Under M.G.L. c. 48, s. 13, allows for penalties specifically for open-air fires set without a permit. This statute empowers fire chiefs to enforce a \$500 fine on anyone who starts an open-air fire without first obtaining permission.

Section 13 applies solely to fires conducted in the open air without authorization, and does not



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cover other potential ignition sources like grills, candles, or other controlled flames used on private property.

However, M.G.L. c. 148, s. 30, gives the head of the fire department much broader authority to address fire hazards across a variety of settings. Under this statute, the fire department can issue orders consistent with 527 CMR 1.00, section 10.10.2, to prohibit not only open-air burning but also a broader range of ignition sources, including fireworks, candles, recreational and cooking fires, or any other device producing an open flame or spark.

This wider scope allows fire officials to act on any ignition source that may pose an immediate threat to people or property, especially under particular environmental or situational risks, thereby providing flexibility to respond to a broad spectrum of fire hazards.

### III. CLOSING FOREST LAND DURING DRY CONDITIONS

In extremely dry conditions or periods of heightened fire risk, more stringent measures may need to be taken to protect public safety and natural resources, including temporarily closing access to forest lands to prevent accidental ignitions, which can quickly escalate into large-scale wildfires.

M.G.L. c. 48, s. 28C, allows the director of the division of forests and parks to close forest areas to the public when there's a high risk of forest fires. Only property owners, their tenants, or authorized agents are allowed on the land during such times. The director must "use all reasonable means" to inform the public about these closures.

#### A. Penalties

If the closure is in effect and someone unauthorized is found on forest property, forest wardens, environmental police, and other officials can arrest them on the spot if they refuse to leave when asked. Violators can face a fine of up to \$100.

### IV. FIRE HYDRANTS DURING SNOW

During winter months, heavy snowfall can obstruct fire hydrants, delaying critical access for fire departments during emergencies. In situations where every second counts, having quick and unobstructed access to fire hydrants can mean the difference between successfully containing a fire and experiencing significant property damage or loss of life.



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Under M.G.L. c. 148, s. 27B, it is illegal to pile, push, or plow snow or ice onto or against a fire hydrant in a way that conceals it or covers any outlet. This does not apply to employees of the Commonwealth, political subdivisions, or independent contractors acting for the Commonwealth.

### A. Penalties

The penalty for violating this section is a fine of up to \$100.

## V. EXPLOSIVES IN FOGGY WEATHER

The transport and handling of explosives require strict safety measures to prevent accidents that could have catastrophic consequences. During adverse weather conditions, such as dense fog, the risk of mishandling or collisions increases, particularly in maritime environments where visibility is severely reduced.

Under 527 CMR 1.00, section 65.9.4.1 no person shall store any explosives on the waters of the Commonwealth unless a permit for such storage has been secured from the State Fire Marshal, and unless the explosives are stored in accordance with the requirement in subsection (3) that explosives shall not be delivered or removed from a boat during foggy weather.

## VI. LOG STORAGE DURING DRY WEATHER

Log storage areas, particularly those containing highly combustible materials, present a significant fire hazard, especially during periods of dry weather. These materials are susceptible to ignition for various sources.

527 CMR 1.00, section 31.3.8.3.6, states that for log storage areas containing saw, plywood veneer, or pulpwood logs stored in piles or “cold decks, during dry weather, piles shall be wet down.” 527 CMR 1.00, section 3.3.57 defines “cold deck” as a single ranked pile of logs usually twenty to fifty feet long but greater than eight feet long.

## VII. FIREWORKS DURING WINDY CONDITIONS

Fireworks are inherently hazardous, especially when used in adverse weather conditions such as high winds. Wind can carry sparks and embers over long distances, increasing the risk of igniting fires in surrounding areas, particularly where dry vegetation or structures are present.



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527 CMR 1.00, section 65.2.5.2.1, indicates that any supervised display of fireworks shall be stopped immediately in the event that upper-level wind conditions cause the fall out area to change and pose a threat to public safety or property. The AHJ can require a test shot to determine if winds exceed 20 miles per hour at ground level.

### **VIII. SAFEGUARDING CONSTRUCTION DEMOLITION OPERATIONS IN COLD WEATHER**

During demolition operations, especially in colder months, ensuring that fire protection systems remain operation is crucial to maintain safety on-site. Cold weather poses a risk of freezing these critical systems, which can render them ineffective in the event of a fire.

527 CMR 1.00, section 16.21.3.1, provides that during cold-weather demolition operations, building heat shall be maintained to allow the operation of sprinklers, hose, and extinguishers in areas not in the process of demolition. Further, 16.21.3.2 offers that the minimum temperature at the extremities of such areas equipped with wet sprinkler systems shall be 40 degrees Fahrenheit.

#### **A. Penalties for Sections V, VI, VII and VIII**

527 CMR 1.00, section 1.16, outlines penalties for violating the Fire Code in addition to the penalties provided for in the provisions of Chapter 148:

1. Violating an order from the fire department head can result in a \$50 fine for each day the violation continues after notice.
2. Knowingly breaking a fire code rule may lead to a fine between \$100 and \$1,000.
3. Violating a fire safety law may result in a \$100 fine. If the violation continues after notice, there can be an additional fine of up to \$100 for each day it continues.

Under M.G.L. c. 148, s. 34C Anyone who either (1) commits a repeat violation of the state building or fire code, or any related lawful order, or (2) continues to violate these codes or orders after receiving notice, may face a fine up to \$1,000, imprisonment for up to 1 year, or both. Notice can be given in person, posted on the premises, or via citation.



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#### **IX. SHUTTING OFF AND/OR DISCONNECTION OF FIRE PROTECTION DEVICES**

M.G.L. c. 148, s. 27A, states that, regardless of weather conditions, no one may shut off, disconnect, obstruct, remove, or destroy any fire protection or carbon monoxide detection system, or allow it to happen, in any building they own, lease, or control without a written permit from the local fire department. Temporary disconnection for repairs or to prevent damage (like freezing) is allowed, provided the fire department is notified immediately and the fire department may impose conditions, and again when the system is restored.

##### **A. Penalties**

Violating this rule can result in up to a year in prison, a fine of up to \$1,000, or both.