



780 CMR STATE BOARD OF BUILDING REGULATIONS AND STANDARDS  
THE MASSACHUSETTS STATE BUILDING CODE

TABLE OF CONTENTS - continued

2404	Wind, Snow, Seismic and Dead Loads on Glass	500.33	<b>780 CMR 31.00 SPECIAL CONSTRUCTION</b>
	Section		
2405	Sloped Glazing and Skylights	500.41	3101 General
2406	Safety Glazing	500.43	3102 Membrane Structures
2407	Glass in Handrails and Guards	500.45	3103 Temporary Structures
2408	Glazing in Athletic Facilities	500.45	3104 Pedestrian Walkways and Tunnels
2409	Glass in Floors and Sidewalks	500.45	3105 Awnings and Canopies
			3106 Marquees
			3107 Signs
			3108 Radio and Television Towers
			3109 Swimming Pool Enclosures and Safety Devices
			3110 Temporary Emergency Uses
			3111 Temporary Overnight Shelters
	<b>780 CMR 25.00 GYPSUM BOARD AND PLASTER</b>		<b>780 CMR 32.00 ENCROACHMENTS INTO THE PUBLIC RIGHT-OF-WAY</b>
	Section		Section
2501	General	500.47	3201 General
2502	Definitions	500.47	3202 Encroachments
2503	Inspection	500.47	
2504	Vertical and Horizontal Assemblies	500.47	<b>780 CMR 33.00 SAFEGUARDS DURING CONSTRUCTION</b>
2505	Shear Wall Construction	500.47	Section
2506	Gypsum Board Materials	500.48	3301 General
2507	Lathing and Plastering	500.48	3302 Construction Safeguards
2508	Gypsum Construction	500.48	3303 Demolition
2509	Gypsum Board in Showers and Water Closets	500.49	3304 Site Work
2510	Lathing and Furring for Cement Plaster (Stucco)	500.50	3305 Sanitary
2511	Interior Plaster	500.50	3306 Protection of Pedestrians
2512	Exterior Plaster	500.51	3307 Protection of Adjoining Property
2513	Exposed Aggregate Plaster	500.52	3308 Temporary Use of Streets, Alleys and Public Property
			3309 Fire Extinguishers
			3310 Exits
			3311 Standpipes
			3312 Automatic Sprinkler System
			3313 Design Loads on Structures During Construction
	<b>780 CMR 26.00 PLASTIC</b>		<b>780 CMR 34.00 EXISTING STRUCTURES</b>
	Section		Section
2601	General	500.53	3400 Scope
2602	Definitions	500.53	3401 Definitions
2603	Foam Plastic Insulation	500.53	3402 Implementation
2604	Interior Finish and Trim	500.56	3403 Hazard Index
2605	Plastic Veneer	500.57	3404 Requirements for Continuation of the Same Use Group or Change to a Use Group Resulting in a Change in Hazard Index of One or less
2606	Light-Transmitting Plastics	500.57	3405 Requirement for Change in Use Group to Two or More Hazard Indices Greater
2607	Light-Transmitting Plastic Wall Panels	500.58	3406 Compliance Alternatives
2608	Light-Transmitting Plastic Glazing	500.59	3407 Energy Provisions for Existing Buildings
2609	Light-Transmitting Plastic Roof Panels	500.59	3408 Structural Requirements for Existing Buildings
2610	Light-Transmitting Plastic Skylight Glazing	500.60	3409 Historic Buildings
2611	Light-Transmitting Plastic Interior Signs	500.61	
	<b>780 CMR 27.00 ELECTRICAL</b>		<b>780 CMR 35.00 REFERENCED STANDARDS</b>
	Section		500.105
2701	General	500.63	
2702	Emergency and Standby Power Systems	500.63	<b>780 CMR 36.00 THROUGH 50.00 RESERVED</b>
			500.123
	<b>780 CMR 28.00 MECHANICAL SYSTEMS</b>		
	Section		
2801	General	500.65	
	<b>780 CMR 29.00 PLUMBING SYSTEMS</b>		
	Section		
2901	General	500.67	
	<b>780 CMR 30.00 ELEVATORS AND CONVEYING SYSTEMS</b>		
	Section		
3001	General	500.69	
3002	Hoistway Enclosures	500.69	
3003	Machine Rooms	500.69	

shall be protected to prevent deterioration. Awnings shall have frames of noncombustible material, fire-retardant-treated wood, wood of Type IV size, or 1-hour construction with combustible or noncombustible covers and shall be either fixed, retractable, folding or collapsible.

**3105.4 Canopy Materials.** Canopies shall be constructed of a rigid framework with an approved covering, that is flame resistant in accordance with NFPA 701 or has a flame spread index not greater than 25 when tested in accordance with ASTM E 84.

#### 780 CMR 3106.0 MARQUEES

**3106.1 General.** Marquees shall comply with 780 CMR 3106.0 and other applicable sections of 780 CMR.

**3106.2 Thickness.** The maximum height or thickness of a marquee measured vertically from its lowest to its highest point shall not exceed three feet (914 mm) where the marquee projects more than two-thirds of the distance from the property line to the curb line, and shall not exceed nine feet (2743 mm) where the marquee is less than  $\frac{2}{3}$  of the distance from the property line to the curb line.

**3106.3 Roof Construction.** Where the roof or any part thereof is a skylight, the skylight shall comply with the requirements of 780 CMR 24.00. Every roof and skylight of a marquee shall be sloped to downspouts that shall conduct any drainage from the marquee in such a manner so as not to spill over the sidewalk.

**3106.4 Location Prohibited.** Every marquee shall be so located as not to interfere with the operation of any exterior standpipe, and such that the marquee does not obstruct the clear passage of stairways or exit discharge from the building or the installation or maintenance of street lighting.

**3106.5 Construction.** A marquee shall be supported entirely from the building and constructed of noncombustible materials. Marquees shall be designed as required in 780 CMR 16.00. Structural members shall be protected to prevent deterioration.

#### 780 CMR 3107.0 SIGNS

**3107.1 General.** Signs shall be designed, constructed and maintained in accordance with 780 CMR.

#### 780 CMR 3108.0 RADIO AND TELEVISION TOWERS

**3108.1 General.** Subject to the provisions of 780 CMR 16.00 and the requirements of 780 CMR 15.00 governing the fire-resistance ratings of buildings for the support of roof structures, radio and television towers shall be designed and constructed as provided in 780 CMR 3108.0.

**3108.2 Location and Access.** Towers shall be located and equipped with step bolts and ladders so as to provide ready access for inspection purposes. Guy wires or other accessories shall not cross or encroach upon any street or other public space, or over above-ground electric utility lines, or encroach upon any privately owned property without written consent of the owner of the encroached-upon property, space or above-ground electric utility lines.

**3108.3 Construction.** Towers shall be constructed of approved corrosion-resistant noncombustible material. The minimum type of construction of isolated radio towers not more than 100 feet (30 480 mm) in height shall be Type IIB.

**3108.4 Loads.** Towers shall be designed to resist wind loads in accordance with TIA/EIA-222. Consideration shall be given to conditions involving wind load on ice-covered sections in localities subject to sustained freezing temperatures.

**3108.4.1 Dead Load.** Towers shall be designed for the dead load plus the ice load in regions where ice formation occurs.

**3108.4.2 Wind Load.** Adequate foundations and anchorage shall be provided to resist two times the calculated wind load.

**3108.5 Grounding.** Towers shall be permanently and effectively grounded *per the requirements of 527 CMR 12.00: the Massachusetts Electrical Code.*

#### 780 CMR 3109.0 SWIMMING POOL ENCLOSURES AND SAFETY DEVICES

**3109.1 General.** Refer to Appendix 780 CMR 120.M.

#### 780 CMR 3110.0 TEMPORARY EMERGENCY USES

**3110.1 General.** Except as noted in 780 CMR 3110.0, the provisions of 780 CMR 3103.0 shall apply to *temporary emergency uses.*

**3110.1.1 Permit Required.** *Temporary emergency uses* shall not be operated or maintained for any purpose without first obtaining a permit from the municipal official having jurisdiction.

**3110.2 Construction Documents.** A written request for the *temporary emergency use* change, identifying the address-specific property is required.

**3110.3 Certification.** A *temporary emergency use* shall be so identified by a special certificate of use and occupancy as established for such purpose (see 780 CMR 120.M for an example of this special certificate of use and occupancy) by the municipal or state building official in consultation with other appropriate municipal and state officials in accordance with procedures.

## THE MASSACHUSETTS STATE BUILDING CODE

established for such purposes:

**3110.4 Means of Egress.** All temporary emergency uses shall conform to the means of egress requirements of 780 CMR 10.00 to the degree practicable.

### 780 CMR 3111.0 TEMPORARY OVERNIGHT SHELTERS

**3111.1 Scope and Purpose.** The purpose of 780 CMR 3111.0 is to establish reasonable standards for the use of facilities designed for other purposes to be safely occupied temporarily as overnight shelters. 780 CMR 3111.0 is promulgated by the Board in acknowledgment of the safety concerns associated with homelessness and the desire to provide shelter even if a site does not meet ideal safety standards as set out in other provisions of 780 CMR. In this regard, the State Building Code is not intended to serve as a barrier to those seeking to assist individuals in need by providing shelter, but instead to offer a means to ensure that a reasonable degree of life safety is provided to the occupants of such temporary overnight shelters.

**3111.2 Definition.** For purposes of 780 CMR 3111.0, a Temporary Overnight Shelter shall be defined as any facility designed and used primarily as a church or house of worship for religious services or instruction which is owned or operated by a religious organization and qualified for exemption under 26 U.S.C. § 501(c)(3) of the Internal Revenue Code. The primary use of the facility is for religious services or instruction but may, on occasion, provide a sanctuary from the cold weather to a limited number of individuals for a limited period of time as provided for in 780 CMR 3111.0

#### 3111.3 Limitations of Use.

1. A temporary overnight shelter may operate only:
  - (a) September 15<sup>th</sup> through June 15<sup>th</sup>,
  - (b) for not more than 35 days,
  - (c) for not more than seven consecutive days.
2. The limitations set forth by 780 CMR 3111.3.1 may be exceeded in the event that a state of emergency is declared by the Governor in accordance with St. 1950, c. 639 or due to an emergency deemed detrimental to the public health pursuant to M.G.L. c. 17, §2A.

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

1. The application must contain information demonstrating that the structure meets the following requirements:

- (a) It has been issued a valid certificate of occupancy for its current use.
  - (b) It is equipped with a functioning sprinkler system or is suitably protected by a smoke and/or heat detection and alarm system, and a carbon monoxide detection system. Battery operated interconnected detectors may be satisfactory depending upon the location.
  - (c) It contains adequate means of egress relative to the number of approved overnight occupants.
  - (d) It contains adequate emergency lighting and egress signage.
  - (e) It contains the necessary facilities in accordance with the applicable guidelines promulgated by the Massachusetts Department of Public Health.
  - (f) Attestation that the structure meets the requirements of 521 CMR: *The Architectural Access Code*.
2. The application must include the following:
    - (a) Zoning approval (if applicable).
    - (b) A site plan (internet accessed satellite maps may be sufficient if properly labeled).
    - (c) A plan for compliance with the applicable guidelines promulgated by the Massachusetts Department of Public Health.
    - (d) A fire safety and egress plan. The plan shall include, but not be limited to:
      - i. The identification of the anticipated nightly occupant load.
      - ii. A diagram of the bed and personal space layout.
      - iii. The identification of exits and aisles leading thereto.
      - iv. Outline of procedures for accounting for employees and occupants after evacuation.
      - v. Outline of procedures for the evacuation of occupants with special needs.
      - vi. The identification of the preferred and any alternative person responsible for reporting fires and other emergencies to the fire department.
      - vii. A plan for assignment of personnel responsible for oversight of evacuation.
      - viii. A plan for training of employees relative to emergency evacuation.
    - (e) Identification of an on-site individual responsible for ensuring compliance with 780 CMR 3111.0.
  3. Upon receipt of a completed application, the building official shall forward the application to the municipal fire chief and health official for their review. A site visit shall then be undertaken collectively by the building official, fire official, health official, building owner, and the applicant, or their respective designees. Said officials shall assess the suitability of the structure for issuance of a temporary certificate of occupancy and ensure the accuracy and efficiency of the documentation

submitted in accordance with 780 CMR 3111.4.1. and 2. Promptly after the site visit is completed, the building official shall either approve the application and issue the temporary certificate of occupancy, or deny the application, or approve the application and issue the temporary certificate of occupancy with conditions. The building official may condition the issuance of a certificate upon anything that he determines is necessary to ensure the safety of the occupants of the shelter and consistent with 780 CMR 3111.1. Prior to taking action, the building official shall review the application with the fire chief and health official. The building official shall consider any recommendations made by the fire chief or health official with due regard for their concerns. However, the building official shall not issue any temporary certificate over the objection of the Head of the Fire Department or the local Board of Health.

4. Temporary certificates of occupancy shall not be issued for a period to exceed one year. Applications for renewal shall be reviewed in accordance with 780 CMR 3111.4.1. through .3.

5. If issued, the temporary certificate shall reflect the name of the organization it was issued to, the name of the party responsible for the operation of the shelter, the address of the shelter, the issuance date, the expiration date, any conditions of issuance ordered pursuant to 780 CMR 3111.4.3, and the maximum allowed occupant load.

6. A temporary certificate of occupancy may be revoked by the building official at any time for a violation of any provision of 780 CMR 3111.0, any violation of the General Laws, or for any reason necessary to ensure the safety of the occupants of the structure. The terms of issuance of the certificate may similarly be modified. Any

such action may be appealed to the Building Code Appeals Board in accordance with M.G.L. c.143, §100.

#### **3111.5 Operation of Shelter.**

1. The party responsible for the operation of the shelter must notify the municipal building official and fire chief in writing at least 24 hours prior to each period of operation. The notification must include a statement as to the anticipated number of days the shelter will be in operation and an estimate as to the number of individuals who will be in occupancy per night. Notification shall similarly be made within 24 hours after use of the shelter has ended.

2. The temporary certificate of occupancy issued pursuant to 780 CMR 3111.4 shall be conspicuously posted at the main entrance to the shelter.

3. A document shall be posted, in a location approved by the municipal building official and the head of the fire department, containing an accurate number of sheltered occupants on a nightly basis. Such document shall also contain the names of all workers and volunteers who are overseeing or assisting in the shelter usage on a nightly basis.

4. The shelter shall be set up and operated in accordance with the documentation submitted pursuant to 780 CMR 3111.4.2, and any conditions mandated under 780 CMR 3111.4.3.

**3111.6 Access by Public Officials.** Access to the shelter for purposes of ensuring compliance with 780 CMR 3111.0 shall be granted upon request by the building official, fire chief, health official, or police officer.

