

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

CHAPTER 31: SPECIAL CONSTRUCTION

3101.1 Add a second sentence as follows:

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

3104.1 Add a last sentence as follows:

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

3104.4 Replace as follows:

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

3108.3 Add section:

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

3109.1 After the existing sentence add this text:

See also the following for applicable requirements:

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

3109.3 Delete

3111 Add section:

SECTION 3111 TEMPORARY OVERNIGHT SHELTERS

3111.1 Scope and Purpose. The purpose of section 3111 is to establish reasonable standards for the use of facilities designed for other purposes to be safely occupied temporarily as places of overnight accommodation. In this regard, the State Building Code is not intended to serve as a barrier to those seeking to assist individuals in need, but instead to offer a means to ensure that a reasonable degree of life safety is provided.

3111.2 Temporary Overnight Shelters - Defined. For purposes of section 3111, a temporary overnight shelter shall be defined as any building, facility, or space therein designed and used primarily as a church or house of worship for religious services or instruction or related activities which is owned or operated by a religious organization and qualified for exemption under 26 U.S.C. section 501(c)(3) of the Internal Revenue Code. The primary use of the building, facility, or space therein is for religious services or instruction but may, on occasion, provide temporary overnight accommodation to a limited number of individuals for a limited period of time as provided for. Other groups or organizations wishing to offer overnight accommodations in buildings designed and constructed for other purposes shall file an application for change of use in accordance with section 105.

Temporary overnight shelters, as addressed in section 3111, shall be classified as R-1 Use. Express administrative and technical requirements found in section 3111 shall override more general requirements found elsewhere in this code.

31.00: continued

3111.3 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 or will be equipped with a functioning sprinkler system or is suitably protected by a hard-wired smoke and/or heat detection and alarm system, and a carbon monoxide detection system. Until January 1, 2013, battery operated detectors may be approved by the municipal building official and fire chief depending upon the location and in conformance with the Board of Fire Prevention Regulations 527 CMR 31.00: *Carbon Monoxide Alarms* for carbon monoxide (CO) requirements. Commencing January 1, 2013 the facility must be protected with fire protection systems in accordance with section 3111.6, Table 3111.6 and sections 3111.7 through 3111.14.
 - c. It contains adequate means of egress relative to the number of approved overnight occupants.
 - d. It contains adequate emergency lighting and egress signage.
 - e. It contains the necessary facilities in accordance with the applicable guidelines promulgated by the Massachusetts Department of Public Health.
 - f. Attestation that the structure meets the requirements of the Architectural Access Board's regulations at 521 CMR.
 - g. Attestation that the location is equipped with a hard-wired land line phone for use in the event of an emergency.
2. The application must include the following:
 - a. Zoning approval (if applicable).
 - b. A plot 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 evacuation 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. At time of activation, the Head of the Fire Department shall be provided with the identification of the preferred and any alternative person responsible for reporting fires and other emergencies to the fire department.
 - vii. At time of activation, the Head of the Fire Department shall be provided with a plan for assignment of personnel responsible for oversight of evacuation.
 - viii. A plan for training of employees relative to emergency evacuation.
 - e. Identification of an on-site individual responsible for ensuring compliance with section 3111.
3. Upon receipt of a completed application, the building official shall forward the application to the municipal fire chief and health official for their review. A site visit shall then be undertaken collectively by the building official, fire official, health official, building owner, and the applicant, or their respective designees. Said officials shall assess the suitability of the structure for issuance of a temporary certificate of occupancy and ensure the accuracy and efficiency of the documentation submitted in accordance with section 3111.3 items 1. and 2. Promptly after the site visit is completed, the building official shall either approve the application and issue the temporary certificate of occupancy, or deny the application, or approve the application and issue the temporary certificate of occupancy with conditions. The building official may condition the issuance of a certificate upon anything that he determines is necessary to ensure the safety of the occupants of the shelter and consistent with section 3111.1. Prior to taking action, the building official shall review the application with the fire chief and health official. The building official shall consider any recommendations made by the fire chief or health official with due regard for their concerns. However, the building official shall not issue any temporary certificate over the objection of the Head of the Fire Department or the local Board of Health.

31.00: continued

4. Temporary certificates of occupancy shall not be issued for a period to exceed one year. Applications for renewal shall be reviewed in accordance with section 3111.3 items 1. through 3.
5. If issued, the temporary certificate shall reflect the name of the organization it was issued to, the name of the party responsible for the operation of the shelter, the address, the issuance date, the expiration date, any conditions of issuance ordered pursuant to section 3111.3 item 3., and the maximum allowed occupant load.
6. A temporary certificate of occupancy may be revoked by the building official at any time for a violation of any provision of section 3111, 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.

3111.4 Shelter Operation:

1. The party responsible for the operation of the temporary overnight shelter must notify the municipal building official and fire chief in writing at least 48 hours prior to each period of operation. The notification must include a statement as to the anticipated number of days the shelter will be in operation and an estimate as to the number of individuals who will be in occupancy per night. Notification shall similarly be made within 24 hours after use of the shelter has ended.
2. The temporary certificate of occupancy issued pursuant to section 3111.3 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 and names of occupants on a nightly basis and a copy of the evacuation plan referenced section 3111.3 item 2.d. Such document shall also contain the names of all workers and volunteers who are overseeing or assisting in the usage on a nightly basis. The shelter shall be set up and operated in accordance with the documentation submitted pursuant to section 3111.3 item 2. and any conditions mandated under section 3111.3 item 3.

3111.5 Access by Public Officials. Access to the shelter for purposes of ensuring compliance with section 3111 shall be granted upon request by the building official, fire chief, health official, police chief or their respective designees.

3111.6 Limitations of Use. Use shall be limited as described in this section and Table 3111.6.

1. A temporary overnight shelter identified with a 'P' in Table 3111.6 and where smoke and CO detectors are battery-operated and not interconnected, may operate year-round for the following periods only:
 - a. not more than 52 days during a calendar year,
 - b. not more than seven consecutive days.

Note: Commencing January 1, 2013, all *temporary overnight shelters* shall be equipped with operational, interconnected, monitored smoke and carbon monoxide detection and notification alarm systems as required by chapter 9.

Where the subject church/house of worship proper possesses a NFPA 13 fire sprinkler system throughout the building per the governing edition of NFPA 13 in effect when such system was installed, the *temporary overnight shelter* can be located anywhere in the church/house of worship, providing all other requirements of section 3111, inclusive are met. If the church/house of worship does not have an NFPA 13 fire sprinkler system installed throughout the building then the location of the *temporary overnight shelter* must conform to the requirements set forth in Table 3111.6 (partial fire sprinkling of the *temporary overnight shelter* is required under certain circumstances addressed in Table 3111.6).

31.00: continued

TABLE 3111.6

Use Limitations for Temporary Overnight Shelters									
Location in Building	Building Construction Type								
	IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
Basement (without direct access to outside)	PS	PS	PS	PS	NP	NP	PS	NP	NP
Basement (with direct access to outside)	P	P	P	P	P	P	P	P	PS
1 st Floor	P	P	P	P	P	P	P	P	P
2 nd Floor	P	P	P	P	P	P	P	P	P
3 rd Floor	P	P	P	P	PS	PS	PS	PS	PS
4 th Floor and above	PS	PS	PS	PS	PS	PS	PS	PS	NP

P= Permitted, see section 3111.6. PS= Permitted with sprinklers, see section 3111.6. NP= Not Permitted.

2. Alternatively, a temporary overnight shelter identified with a 'P' in Table 3111.6 may operate year-round for the following periods only:

- a. not more than 52 days during a calendar year,
- b. not more than 14 consecutive days.

In order to achieve compliance with this section a *temporary overnight shelter* shall be equipped with an interconnected, monitored smoke and carbon monoxide detection and notification alarm system as required by Chapter 9.

3. A temporary overnight shelter identified with a 'PS' in Table 3111.6 may operate year-round for the following periods only:

- a. not more than 104 days during a calendar year,
- b. not more than 30 consecutive days.

Note: In order to achieve compliance with this section a *temporary overnight shelter* shall be equipped with a full NFPA 13 sprinkler system, interconnected and monitored smoke and carbon monoxide detection and notification alarm system as required by Chapter 9.

4. The operating period limitations set forth in section 3111.6 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.

3111.7 Fire and CO Detection, Occupant Notification and Life Safety System Supervision through January 1, 2013. Subject to the provisions of section 3111.3, through January 1, 2013, a *temporary overnight shelter* may install and utilize battery only operated smoke and carbon monoxide detectors, and, off-premise supervision (monitoring) of these life safety devices is not required.

3111.8 Fire and CO Detection, Occupant Notification and Life Safety System Supervision Commencing January 1, 2013. All *temporary overnight shelters* are required to install and have operational, an interconnected, monitored smoke and carbon monoxide detection and notification alarm system no later than January 1, 2013 as required in chapter 9.

3111.9 Monitoring requirements. Off premise monitoring of the interconnected smoke and carbon monoxide detection and notification alarm system is required and shall conform to the requirements in chapter 9 and NFPA 72 and NFPA 720, as applicable.

3111.10 General Installation Requirements and Alarm Signal Precedence. Installation requirements for the interconnected, monitored smoke and carbon monoxide detection and notification alarm systems shall be in accordance with this code; 527 CMR 31.00: *Carbon Monoxide Alarms*; the smoke alarm/detector and carbon monoxide alarm/detector manufacturers' requirements; NFPA 72 and NFPA 720, all as applicable. For alarm signal precedence, see section 916.5.

31.00: continued

3111.11 Location of Fire and CO Detection and Occupant Notification Appliances- Pre and Post 2012. Buildings, facilities or spaces therein intended used as a *temporary overnight shelters* as defined in section 3111.2 shall incorporate, as applicable, smoke and carbon monoxide detection and notification alarm systems in:

- (1) All shelter sleeping areas;
- (2) All egress routes directly serving the shelter areas;
- (3) All common areas directly associated with the shelter areas.

3111.12 Listing. Smoke detectors/alarms shall be listed to UL 268; carbon monoxide detectors/alarms shall be listed to IAS/CSA 6.19 or UL 2075 as applicable.

Exception: Prior January 1, 2013, smoke alarms listed to UL 217 are allowed and battery-powered CO alarms, listed to UL-2034 are allowed.

3111.13 Power source. The primary and secondary power sources for the low voltage or wireless, interconnected, monitored smoke detection system shall conform to the applicable requirements of NFPA 72; primary and secondary power requirements for CO detectors shall conform to the applicable requirements of NFPA 720.

Exception: Prior to January 1, 2013, smoke alarms listed to UL 217 are allowed and battery-powered CO alarms, listed to applicable sections of UL-2034 are allowed.

3111.14 Fire Sprinkler Locations When Utilized. Where fire sprinklers are intended employed, as a minimum, such fire sprinkler system(s), complying w/applicable portions of NFPA 13, shall protect:

- (1) All shelter sleeping areas;
- (2) All egress routes directly serving the shelter areas;
- (3) All common areas directly associated with the shelter areas

3112 Add section:

SECTION 3112 TEMPORARY EMERGENCY USE

3112.1 General. Except as noted herein, the provisions of section 3116 shall apply to *temporary emergency uses*.

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

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

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

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

NON-TEXT PAGE