HOUSE . . . . No. 700

By Mr. Powers of Boston, petition of Maurice J. Tobin (mayor of Boston) for legislation to clarify and amend existing provisions of law with respect to fire prevention. Military Affairs and Public Safety.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Three.

AN ACT TO CLARIFY AND AMEND CERTAIN EXISTING PROVISIONS OF LAW WITH RESPECT TO FIRE PREVENTION.

1 *Whereas*, The deferred operation of this act would
2 tend to defeat its purpose, which is to clarify and
3 amend certain existing provisions of law with respect
4 to fire prevention, therefore it is hereby declared to
5 be an emergency law, necessary for the immediate
6 preservation of the public welfare.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter one hundred and forty-eight of the General
2 Laws, as appearing in the Tercentenary Edition, is
3 hereby amended by striking out section five thereof
4 and inserting in place thereof the following section: —
5 *Section 5.* The marshal, the head of the fire depart-
6 ment or any person to whom the marshal or the head
7 of the fire department may delegate his authority in
8 writing, may, and upon complaint of a person having

an interest in any building or structure, including any bulkhead, dock, pier or wharf, or premises or property adjacent thereto, shall, at any reasonable hour, enter into or upon buildings, structures, including bulkheads, docks, piers or wharves and premises, which term for the purposes of the remainder of this section shall include alleys adjacent thereto, within their jurisdiction and make an investigation as to the existence of conditions likely to cause fire. The marshal or the head of the fire department by whom or by whose authority such investigation is made shall, in writing, order any condition the existence of which is deemed likely to cause fire to be remedied, and whenever such officers or persons find therein or thereon any accumulation of combustible rubbish, including waste paper, rags, cardboard, string, packing material, sawdust, shavings, sticks, waste leather or rubber, broken boxes or barrels or other refuse that is or may become dangerous as a fire menace or as an obstacle to easy ingress into or egress from such buildings, structures, including bulkheads, docks, piers or wharves, or premises, they shall, in writing, order the same to be removed or such conditions to be remedied. Notice of any order under this section shall be served upon the owner, occupant or his authorized agent. If said order is not complied with within twenty-four hours, the person making such order, or any person designated by him, may enter into or upon such building or structure, including such bulkhead, dock, pier or wharf, or upon such premises and at the expense of such owner or occupant remove such rubbish or abate any condition the existence of which is likely to cause fire. Any expense so incurred by or on behalf of the commonwealth

or of any city or town, shall be a lien upon such building or structure, including such bulkhead, dock, pier or wharf and premises, effective upon the filing in the proper registry of deeds of a claim thereof signed by such person and setting forth the amount for which the lien is claimed; and the lien shall be enforced within the time and in the manner provided for the collection of taxes upon real estate. Any such owner or occupant who fails or refuses to comply with said order shall be punished by a fine of not more than fifty dollars for each consecutive forty-eight hours during which such failure or refusal to comply continues. Neither this section nor section four shall authorize entry into a one-family or two-family dwelling without the consent of the occupant.