

HOUSE No. 1437

By Mr. Driscoll of Boston, petition of John B. Hynes (mayor of Boston) that said city be authorized to enact ordinances for preventing conditions which tend to cause fires or become fire hazards. Public Safety.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Eight.

AN ACT AUTHORIZING THE CITY OF BOSTON TO ENACT ORDINANCES FOR THE PURPOSE OF PREVENTING OR REMEDYING IN SAID CITY CONDITIONS WHICH MAY TEND TO CAUSE FIRES OR TO BECOME FIRE HAZARDS.

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

1 SECTION 1. Upon the written recommendation of the fire
2 chief of the city of Boston, the city council of said city, with the
3 approval of the mayor of said city, may from time to time make,
4 amend and repeal ordinances for the purpose of preventing or
5 remedying in said city any condition in or about any building,
6 structure or other premises or on any ship or vessel which may
7 tend to cause a fire or to become a fire hazard. Said chief shall
8 not make, under section twenty-eight of chapter one hundred
9 and forty-eight of the General Laws, any order or rule incon-
10 sistent with any ordinance lawfully made under this section; and
11 whenever a provision of an ordinance made under this section is
12 inconsistent with any general or special law applicable in or to
13 said city, or with any rule or regulation made by any agency, as
14 defined in section one of chapter thirty A of the General Laws,
15 of the state government, or with any provision of the Boston
16 Building Code, such provision of such ordinance shall be in-
17 operative.

18 Judicial review of any ordinance made under this section may
19 be had through petition for declaratory relief in the manner and

20 to the extent provided under chapter two hundred and thirty-
21 one A of the General Laws.

22 Whoever violates any ordinance lawfully made under this
23 section shall be punished by a fine of not more than fifty dollars
24 for each offence, or, in the case of a continuing offence, by a
25 fine of not more than ten dollars for every day during any por-
26 tion of which the violation continues. In addition, the superior
27 court shall have jurisdiction in equity, upon application of the
28 fire chief of said city, to enforce any ordinance lawfully made
29 under this section.

1 SECTION 2. This act shall take effect upon its passage.