

# SENATE . . . . No. 119

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To accompany the petition of Leo D. Woodtke and others for legislation relative to the powers and duties of local authorities as to fire prevention. Public Safety.

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## The Commonwealth of Massachusetts

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

An Act relative to the Powers and Duties of Local Authorities as to Fire Prevention.

*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. Chapter one hundred and forty-  
2 eight of the General Laws is hereby amended by  
3 striking out section six and inserting in place  
4 thereof the following:—

5 *Section 6.* The marshal, the chiefs of fire  
6 departments in cities, and the chief engineer,  
7 or the chairman of the board of selectmen in towns  
8 having no engineer, or any person designated by  
9 any of them, may, and upon complaint of a person  
10 having an interest in any building or premises or  
11 property adjacent thereto, shall, at all reasonable  
12 hours, enter into buildings and upon premises,  
13 which term for the purposes of the balance of this  
14 section shall include alleys adjacent thereto,  
15 within their jurisdiction and make an investiga-  
16 tion as to the existence of conditions likely to

17 cause fire or to prevent or retard easy ingress or  
18 egress of occupants of any such building or  
19 premises or of firemen. They shall, in writing,  
20 order such conditions, if existing, to be remedied,  
21 and whenever such officers or persons find in any  
22 building or upon any premises any accumulation  
23 of combustible rubbish, including waste paper,  
24 rags, cardboard, string, packing material, saw-  
25 dust, shavings, sticks, waste leather or rubber,  
26 broken boxes or barrels or other refuse that is or  
27 may become dangerous as a fire menace or as an  
28 obstacle to such easy ingress or egress to such  
29 buildings or premises, they shall, in writing, order  
30 the same to be removed or such conditions to be  
31 remedied. Notice of such order shall be served  
32 upon such owner or occupant by delivery, or by  
33 posting a copy thereof in or upon said building  
34 or premises provided such owner or occupant  
35 cannot be served with such notice within twenty-  
36 four hours subsequent to the issuance of such  
37 order. If said order is not complied with within  
38 twenty-four hours subsequent to its issuance,  
39 the person making such order, or any person  
40 designated by him, may enter upon such building  
41 or premises and abate such condition at the  
42 expense of such owner or occupant. Any expense  
43 so incurred shall be a lien upon such building or  
44 premises and shall be collected in the manner  
45 provided for the collection of taxes upon real  
46 estate. Failure or refusal by said owner or occu-  
47 pant to comply with said order shall be punished  
48 by a fine of not less than ten nor more than fifty

49 dollars for each consecutive forty-eight hours  
50 during which such failure or refusal to comply  
51 continues.

1 SECTION 2. Said chapter one hundred and  
2 forty-eight is hereby further amended by insert-  
3 ing after section seven the following new sec-  
4 tion:—

5 *Section 7A.* The chiefs of fire departments  
6 in cities, the chief engineers in towns or the chair-  
7 man of the board of selectmen in any town having  
8 no engineer, may by order, which shall not be  
9 effective as to one-family dwellings, (1) require  
10 the use of metal receptacles for ashes, waste  
11 paper and rubbish; (2) require the use of self-  
12 closing safety cans for volatile or inflammable  
13 fluids or compounds; (3) require oily rags and  
14 waste, when not in actual use, to be stored in  
15 metal containers with self-closing covers and  
16 riveted joints, the container to be raised at least  
17 four inches above the floor on metal legs; and  
18 (4) prohibit the use of rubber tubing as connec-  
19 tions for lamps, stoves and irons using inflam-  
20 mable gas for fuel. Any violation of any order  
21 under this section shall be punished by a fine of  
22 not less than ten nor more than fifty dollars for  
23 each consecutive forty-eight hours during which  
24 such violation continues.

1 SECTION 3. This act shall not apply to the  
2 city of Boston.

