

HOUSE . . . . No. 1394.

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Commonwealth of Massachusetts.

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HOUSE OF REPRESENTATIVES, May 16, 1904.

The committee on Cities, to whom was referred the petition (with accompanying bill, House, No. 401) of Edward Atkinson for legislation to provide for the inspection of theatres and other buildings and for the prevention of fires therein, reports the accompanying bill.

For the committee,

EDWARD E. CLARK.

## Commonwealth of Massachusetts.

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In the Year One Thousand Nine Hundred and Four.

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### AN ACT

Relative to the Licensing and Inspection of Theatres and  
Public Halls.

*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. In this act a theatre shall mean a building  
2 or portion of a building in which it is designed to make  
3 a business of the presentation of dramatic, operatic or  
4 other performances or shows for the entertainment of  
5 spectators, capable of seating at least four hundred per-  
6 sons, and having a stage for said performances which can  
7 be used for scenery and other stage appliances. Public  
8 hall shall mean any building, or part of a building, not  
9 a theatre, containing an audience or assembly hall  
10 capable of seating four hundred persons, and which is  
11 used for the purpose of holding public gatherings, not  
12 including college buildings, armories and churches. In  
13 Boston the mayor, and in all other cities and towns  
14 the chief of the district police, shall be the officer to issue  
15 licenses for theatres and public halls. The terms and  
16 conditions of each license shall be prescribed by the

17 licensing officer, and all licenses shall expire on the first  
18 day of August in each year. Licenses shall be issued  
19 upon application, when the applicant shall have complied  
20 with existing provisions of law, and the form of the  
21 license shall be prescribed by the licensing officer.

22 The applicant or applicants obtaining a license shall  
23 be civilly and criminally responsible for non-compliance  
24 with existing laws applicable to the building covered by  
25 the license, and with the conditions of the license, and  
26 for any misrepresentation in the application. The  
27 licensing officer shall cause a complete inspection of all  
28 theatres and public halls to be made once in each month  
29 and as much oftener as possible.

1 SECTION 2. Each inspection shall cover all details  
2 relating to the condition of the building as regards safety  
3 of life and property, and each inspector shall render a  
4 signed report as to all such details upon a tabulated  
5 inspection blank, the form of which shall be determined  
6 by the licensing officer. The forms of such blanks may  
7 be adapted to the conditions of each class of buildings  
8 that may be brought under the provisions of this act,  
9 but they shall be such as to enable the inspectors to  
10 report a rating on the points and in the form hereinafter  
11 provided, and shall include a detailed table of legal  
12 requirements, with a statement as to compliance or  
13 non-compliance with each. All inspectors inspecting  
14 theatres during the month shall collate the report of  
15 their inspections and rate such theatre or public hall  
16 on the following points in the following form:—

17 1. Compliance with existing laws, non-compliance  
18 in any particular to be specified.

19 2. The following ratings of each building as to  
20 safety of audience in the judgment of said inspectors in  
21 the light of improved methods of insuring safety.

	Condition whether poor, fair, good or excellent.	Remarks.
22	<i>a.</i>	Structural condition.
23	<i>b.</i>	Facility of escape of audience.
24	<i>c.</i>	Heating apparatus.
25	<i>d.</i>	Water supply.
26	<i>e.</i>	Lighting apparatus.
27	<i>f.</i>	Condition of fire apparatus.
28	<i>g.</i>	Condition of sprinklers.
29	<i>h.</i>	Curtains.
30	<i>i.</i>	Protection against neighborhood hazard.
31	<i>j.</i>	General condition of appliances and apparatus.
32	<i>k.</i>	General condition of stage.
33		Rating as a whole.
34		With regard to safety of audience.
35		And such other points as in the opinion of the licensing
36		officer may be suitable. These reports and ratings shall
37		be signed by the inspectors and rendered to the licensing
38		officer on the last day of each month, and shall give the
39		date of all inspections made during the month, with such
40		remarks upon the condition of each theatre and public
41		hall as may be suitable to give notice of danger, or to
42		give confidence in the safety of such buildings. After
43		each inspection of a theatre or public hall, the inspector
44		shall post a notice in conspicuous type in the entrance
45		to said theatre or hall in the following form:—
46		“This theatre (or hall) has been inspected by Official
47		Inspector (name of inspector) on (date).”

1 SECTION 3. The licensing officer may call upon each  
 2 department, board and officer in the city or town where  
 3 a building is located to cause a competent inspection to  
 4 be made of such building, on any matter as to which the  
 5 licensing officer desires information, and to report such  
 6 inspections, together with recommendations relating to

7 such building, to the licensing officer, and it shall be the  
8 duty of the department, board and officer, when so re-  
9 quested, to cause such inspection and report to be made.  
10 Each department, board and officer may inspect buildings  
11 covered by this act at any time, and report inspections  
12 and recommendations to the licensing officer, who shall  
13 take such action thereon as he may see fit.

1 SECTION 4. The full inspection reports shall be kept  
2 on file by the licensing officer, but, except as hereinafter  
3 provided, they shall not be open to examination by the  
4 public until the expiration of one month from the time  
5 at which they were rendered, except with the consent of  
6 the licensing officer. Each licensee shall be entitled to  
7 examine the full reports of his own building at any time.  
8 The licensing officer shall make a full report annually of  
9 the condition of all theatres and public halls, and said  
10 report shall be a public document, open to examination  
11 by the public at all times.

12 The reports of inspectors shall be public records of  
13 matters of public interest, and a fair publication of these  
14 reports, or part thereof, or comment thereon by towns  
15 or cities, town or city officers or employees or any other  
16 person, by newspapers or otherwise, shall be privileged.

1 SECTION 5. The licensing officer may, in case of  
2 emergency, in his discretion, suspend inspections for a  
3 period not exceeding one month, and may when in his  
4 opinion the circumstances warrant, after the first monthly  
5 inspections, issue a permit exempting a public hall, but  
6 no theatre, from regular inspection for not more than six  
7 months, on condition that he be notified of any substan-  
8 tial change in the hazard. Such permit shall not prevent  
9 inspection at any time during the period specified.

1 SECTION 6. A certified copy of the monthly ratings  
2 and conclusions of the inspectors on any licensed build-  
3 ing shall be delivered or mailed to the licensee at the  
4 building by the licensing officer. If any inspector shall  
5 report that the laws or conditions of any license are not  
6 complied with, it shall be the duty of the licensing officer  
7 to notify the licensee, fixing a time within which to com-  
8 ply with the law and the license. If, at the expiration  
9 of such time, such compliance has not been effected, the  
10 licensing officer shall give a hearing to the licensee, and,  
11 if upon investigation he shall find that there is cause, he  
12 shall revoke the license. The licensing officer shall have  
13 power, if, in his opinion, the public safety requires it, to  
14 order any theatre or public hall closed pending a hearing  
15 upon the revocation of the license for such building, and  
16 any person failing to comply with such order may be  
17 punished by fine not exceeding one thousand dollars.

1 SECTION 7. Any licensee may post upon his premises  
2 a certified copy of the complete table of ratings and con-  
3 clusions relating to the building covered by his license,  
4 but he shall not post a partial copy of such table.

1 SECTION 8. Except in Boston, whoever is aggrieved  
2 by any order or decision of a licensing officer may apply  
3 to a judge of the superior court sitting in equity for the  
4 county in which the building covered by such order or  
5 decision is situated, for the appointment of a board of  
6 appeal of three disinterested persons to examine the  
7 premises and hear the parties and render a decision in  
8 writing and under oath, to be filed in the office of the  
9 clerk of courts in said county within ten days after such  
10 hearing, and the majority of said persons shall decide  
11 whether the whole or a part of the order or requirement

12 shall be complied with, and the licensing officer shall  
13 alter or make an order or requirement to conform to  
14 such decision. If the decision is not unanimous, the dis-  
15 senting member of the board shall file a written state-  
16 ment of his reasons, under oath. The compensation of  
17 members of such board of appeal and the taxation of  
18 costs in such cases shall be governed by sections twenty  
19 and twenty-one of chapter one hundred and four of the  
20 Revised Laws. In Boston the appeal shall be to the  
21 board of appeals as provided in sections twelve and  
22 thirteen of chapter four hundred and nineteen of the acts  
23 of the year eighteen hundred and ninety-two.

1 SECTION 9. Any court having equity jurisdiction  
2 may, upon the application of the licensing officer, by  
3 any suitable process or decree, enforce the provisions of  
4 this act and any order or requirement of any person  
5 given any authority under this act.

1 SECTION 10. Any person having any duties or powers  
2 under this act may enter any building covered by this  
3 act in the performance of his duties, and any person who  
4 wilfully obstructs his entry may be punished by fine not  
5 exceeding one thousand dollars.

1 SECTION 11. Any person having any duty under this  
2 act in connection with the licensing or inspection of  
3 buildings covered by this act who wilfully makes any  
4 false statement, report or any false record of any state-  
5 ment, report or rating as to any building shall be pun-  
6 ished by a fine of not more than one thousand dollars or  
7 imprisonment for not more than one year. Any licensee  
8 under this act who wilfully makes any false statement or  
9 representation in his application for a license shall be

10 punished by a fine of not more than one thousand dollars  
11 or imprisonment for not more than one year.

1 SECTION 12. Any officer or person given any duty in  
2 any way connected with inspections provided for under  
3 this act who requests for himself or another, or accepts or  
4 uses any free ticket or pass or privilege of admission, or  
5 admission, to any theatre or public hall, for which he is  
6 to pay or has paid a less price than is demanded of the  
7 public generally, and any owner, proprietor, manager,  
8 lessee, agent or employee of any theatre or public hall,  
9 or any other person who issues, delivers, offers or allows  
10 any such ticket, pass, privilege or admission to any such  
11 officer or person or any other person at the request, solici-  
12 tation, or procurement or connivance of any such officer  
13 or person, shall be punished by a fine of not less than one  
14 hundred dollars nor more than one thousand dollars.

1 SECTION 13. So much of section one hundred and  
2 seventy-two of chapter one hundred and two of the  
3 Revised Laws as is inconsistent with this act, and all  
4 other acts and parts of acts inconsistent herewith, are  
5 hereby repealed, and all local ordinances, by-laws and  
6 regulations of any kind inconsistent herewith are hereby  
7 annulled. The penalty provided in section one hundred  
8 and seventy-three of said chapter one hundred and two  
9 of the Revised Laws shall apply to all acts specified in  
10 said section one hundred and seventy-three and done  
11 without a license under this act.

1 SECTION 14. This act shall take effect September  
2 first, in the year nineteen hundred and four.