

them to have become insufficient; and all the right or authority of said corporation to enter upon or use such land or other property, except for making surveys, shall be suspended until it gives the security so required.

Work to commence within three years.

SECTION 17. This act shall take effect upon its passage, but shall become void unless work under this act is commenced within three years from the date of its passage.

*Approved June 19, 1885.*

*Chap. 382* AN ACT IN RELATION TO THE PRESERVATION OF HEALTH IN BUILDINGS IN THE CITY OF BOSTON.

*Be it enacted, etc., as follows:*

Dwelling, etc., houses to be furnished with good and sufficient water closets.

SECTION 1. Every building in the city of Boston used as a dwelling, tenement or lodging house, or where persons are employed, shall have at all times such number of good and sufficient water closets, earth closets or privies as the board of health of said city may determine, but the occupants of any two or more of any such buildings may use such closets or privies in common, provided the access is easy and direct; and said board shall not require more than one such closet or privy for every twenty persons.

Cesspools subject to control of board of health.

SECTION 2. Every such building situated on a street in which there is a sewer, shall have water closets, and shall not have a cesspool or privy connected with it, except where, in the opinion of the board of health, it can be allowed to remain for a longer time, and then only as said board shall approve.

Tenement or lodging house.

SECTION 3. No building in the city of Boston shall be converted into, or used for a tenement or lodging house, unless, in addition to the other requirements of law, it conforms to the provisions of this act.

Meaning of terms used in this act.

SECTION 4. In this act the following terms shall have the meanings respectively assigned to them, viz. : —

“Cellar” means a basement or lower story of any building of which one-half or more of the height from the floor to the ceiling is below the level of the street adjoining.

“Inspector” means inspector of buildings of the city of Boston.

“Lodging house” means a building in which persons are temporarily accommodated with sleeping apartments, and includes hotels.

“Tenement house” means a building which, or any

portion of which, is to be occupied, or is occupied as the residence of more than three families living independently of one another, and doing their cooking upon the premises; or by more than two families upon any floor above the second floor, so living and cooking.

SECTION 5. Every tenement or lodging house shall have the yard or area so connected with a sewer that all water and liquid filth will freely flow from it to the sewer, or, if there is no sewer, to the street gutter, by means of a passage under the sidewalk covering, so constructed as to be easily accessible to remove obstructions.

Yards or areas so constructed that water, etc., will freely flow therefrom.

SECTION 6. If a building to be used for a tenement or lodging house is on the front of any lot where there is another building on the rear of the same lot, there shall be clear, open space, exclusively belonging to the front building, and extending upwards from the ground, of at least ten feet between said buildings, if they are one story high above the level of the ground. If they are two stories high, the distance between them shall not be less than fifteen feet; if they are three stories high, the distance between them shall be not less than twenty feet; and if they are more than three stories high, the distance between them shall be not less than twenty-five feet.

Clear, open space in the rear, if building is on the front of lot.

SECTION 7. If such building is on the back part of any lot, there shall be a clear, open space of at least ten feet between such building and every other building in its rear. But when thorough ventilation of such open spaces can be otherwise secured said distances may be lessened or modified, in special cases, by a permit from the board of health and the inspector.

Space in rear of building on the back part of lot.

SECTION 8. Every habitable room of such building not now used but hereafter used as a tenement or lodging house shall be, in every part, not less than eight feet in height from the floor to the ceiling, except in the attic, and shall be at least eight feet in height from the floor to the ceiling throughout not less than one-half the area of such room; and every such room shall have at least one window connecting with the external air, or over the door a suitable ventilator connecting with a room or hall which has a connection with the external air.

Height of rooms.

SECTION 9. The total area of window communicating with the external air, in every room of such building, shall be equal to at least one-tenth of the superficial area of the room; and the top of one at least of such windows

Area of window communicating with the external air.

shall be not less than seven feet six inches above the floor, and the upper half of each window shall be so made as to open for the purposes of ventilation.

Area of room.

SECTION 10. Every habitable room of such building, of area less than one hundred superficial feet, which does not communicate directly with the external air, and is without an open fireplace, shall be provided with special means of ventilation, approved by the board of health and the said inspector.

Chimneys with open fire places or place for a stove.

SECTION 11. Every such building shall have adequate chimneys running through every floor, with an open fireplace or grate, or place for a stove, properly connected with one of said chimneys, for every family and set of apartments; shall have proper conveniences and non-combustible receptacles for ashes and rubbish; shall have water furnished at one or more places in such house, or in the yard thereof, so that the same may be adequate and reasonably convenient for the use of the occupants thereof; and shall have the floor of the cellar properly cemented, so as to be water tight.

Water supply.

Receptacles for garbage.

SECTION 12. Every such building used for a tenement or lodging house shall have suitable receptacles for garbage and other refuse matters, and shall not be used as a place of storage for any combustible article, or any article dangerous to life or detrimental to health; nor shall any horse, cow, calf, swine, pig, sheep or goat be kept in said building.

Building, etc., to be kept clean.

SECTION 13. Every such building, and the yard, court, passage, area and alleys belonging to the same, shall be kept clean and free from any accumulation of dirt, filth, garbage or other refuse matter, to the satisfaction of the board of health.

Tenant to cleanse the rooms, etc.

SECTION 14. The tenant of any lodging house or tenement house shall thoroughly cleanse all the rooms, floors, windows and doors of the house, or part of the house, of which he is the tenant, to the satisfaction of the board of health; and the owner or lessee shall well and sufficiently, to the satisfaction of said board, whitewash or otherwise cleanse the walls and ceilings thereof once at least in every year in the months of April or May, and have the privies, drains and cesspools kept in good order and the passages and stairs kept clean and in good condition.

Owner to white-wash the walls.

Notice to be given of infectious disease.

SECTION 15. The owner, agent of the owner, and keeper of any lodging or tenement house, or part thereof,

shall, when any person in such house is sick of fever, or of any infectious, pestilential or contagious disease, and such sickness is known to such owner, agent or keeper, give immediate notice thereof to the board of health, and thereupon said board shall cause the same to be inspected, and cleansed or disinfected at the expense of the owner, in such manner as they may deem necessary; and may also cause the blankets, bedding and bedclothes used by any such person to be thoroughly cleansed, scoured and fumigated, and, in extreme cases, to be destroyed.

SECTION 16. The halls on each floor of every such building shall open directly to the external air, with suitable windows, and shall have no room or other obstructions at the end, unless sufficient light and ventilation is otherwise provided for said halls in a manner approved by the board of health.

Halls on each floor to open directly to the external air.

SECTION 17. No person shall, without a permit from the board of health, let or occupy, or suffer to be occupied, separately as a dwelling or place of lodging and sleeping, any cellar or underground room whatsoever, unless the same be in every part thereof at least seven feet in height, measured from the floor to the ceiling thereof; nor unless the same shall have been so let or occupied before the passage of this act, nor unless the same be for at least one foot of its height above the surface of the street or ground adjoining, or nearest to the same; nor unless there be, outside of and adjoining the said vault, cellar or room, and extending along the entire frontage thereof, and upwards from six inches below the level of the floor thereof, up to the surface of the said street or ground, an open space of at least two feet and six inches wide in every part; nor unless the same be well and effectually drained by means of a drain, the uppermost part of which is one foot at least below the level of the floor of such vault, cellar or room; nor unless there is a clear space of not less than one foot below the level of the floor, except where the same is cemented; nor unless there be appurtenant to such vault, cellar or room the use of a water closet or privy, kept and provided as in this act required, nor unless the same have an external window opening of at least nine superficial feet clear of the sash frame, in which window opening there shall be fitted a frame filled in with glazed sashes, at least four and a half superficial feet of which shall be made so as to

Cellar or underground room not to be used as a dwelling, etc.

Provisos.

open for the purpose of ventilation: *provided, however*, that in case of an inner or back vault, cellar or room, let or occupied along with a front vault, cellar or room, as a part of the same letting or occupation, it shall be a sufficient compliance with the provisions of this act if the front room is provided with a window as herein before provided, and if the said back vault, cellar or room is connected with the front vault, cellar or room, by a door, and also by a proper ventilating or transom window, and, where practicable, also connected by a proper ventilating or transom window, or by some hall or passage, with the external air; *provided, further*, that in any area adjoining a vault, cellar or underground room, there may be steps necessary for access to such vault, cellar or room, if the same be so placed as not to be over, across or opposite to said external window, and so as to allow between every part of such steps and the external wall of such vault, cellar or room, a clear space of six inches at least, and if the rise of said steps is open, *and provided, further*, that over or across any such area there may be steps necessary for access to any building above the vault, cellar or room, to which such area adjoins, if the same be so placed as not to be over, across or opposite to any such external window.

Board of health may make other regulations as to cellars.

SECTION 18. The board of health shall have authority to make such other regulations as to cellars, and the ventilation and overcrowding of tenement and lodging houses and buildings where persons are employed, as they deem necessary, subject, however, to the laws relating to building in the city of Boston.

Name of owner, agent, etc., to be posted on wall of tenement house.

SECTION 19. Every owner and agent, or person having charge, of a tenement or lodging house shall leave his address with the board of health, and shall have legibly posted on the wall or in the entry of such tenement or lodging house the name and address of such owner and of the agent or person having charge of the same; and service upon parties whose address is out of the city, of any papers or notices required by this act, or any act relating to the preservation of health, or by any proceedings to enforce any of their provisions, shall be sufficient, if made by sending a copy of such paper or notice through the mail to the address of the person or persons so designated as owner, agent or person having charge of such tenement or lodging house; and service upon parties whose address is in the city, by leaving such copy at said address.

SECTION 20. Every officer of the board of health, and every officer upon whom any duty or authority is conferred, shall have free access to every part of any lodging or tenement house, when required, in the proper execution of the duties of his office.

Officers to have free access to building.

SECTION 21. Any court having equity jurisdiction, in term time or vacation, may, on the application of the board of health, by any suitable process or decree in equity, enforce the provisions of this act, and may, on such application; issue an injunction to restrain the use or occupation of any building or structure in the city of Boston, erected, altered or used in violation of this act.

Provisions may be enforced in equity.

SECTION 22. Any person violating any provision of this act shall be punished by a fine not exceeding one hundred dollars, or by confinement in the house of correction not exceeding sixty days, unless another penalty is specifically provided herein.

Fines and penalties.

SECTION 23. Every member of said board of health, and every inspector acting under said board shall, before entering upon the duties of his office take and subscribe an oath before the city clerk of said city that he will faithfully and impartially discharge such duties, and the city clerk shall make and keep a record of such oath. Every member of said board and every such inspector who enters upon or discharges such duties without having taken and subscribed such oath shall be liable to a penalty of one hundred dollars, but such omission shall not render invalid any act or proceeding of said board.

Officers to be sworn.

Penalty.

SECTION 24. This act shall take effect upon its passage.

*Approved June 19, 1885.*

AN ACT MAKING APPROPRIATIONS FOR REPAIRS AT THE STATE PRISON, FOR RENT FOR ACCOMMODATIONS FOR CERTAIN COMMISSIONS, AND FOR OTHER MISCELLANEOUS EXPENSES AUTHORIZED BY THE PRESENT LEGISLATURE.

*Chap. 383*

*Be it enacted, etc., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified in certain acts and resolves of the present year, to wit: — For certain repairs at the state prison at Charlestown, a sum not exceeding twenty thousand dollars as authorized by a resolve of the present year. For the widow of the late James F. Davenport, the sum of six

Appropriations.

Repairs at state prison.

Widow of James F. Davenport.