

HOUSE No. 436.

HOUSE OF REPRESENTATIVES, Jan. 31, 1899.

[Introduced on leave by Mr. Paton of Leominster. Cities.]

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Ninety-nine.

AN ACT

Relative to the Inspection of Buildings.

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 fourteen of chapter four hundred and
2 eighty-one of the acts of the general court in the
3 year eighteen hundred and ninety-four is hereby
4 amended by inserting after the word "sections,"
5 in the fifth line, the words "and in any town
6 which adopts this and the eight following sec-
7 tions," and by inserting after the word "alder-
8 men," in the seventh line, the words "of said city
9 or the selectmen of said town," and by inserting
10 after the word "city," in the eleventh line, the
11 words "or said town," so as to read as follows:—

12 *Section 14.* In any city where the city council
13 has adopted chapter forty-seven of the acts of
14 the year eighteen hundred and seventy-eight, or
15 sections four to twelve inclusive, of chapter one
16 hundred and four of the Public Statutes, or
17 adopts this and the eight following sections, and
18 and in any town which adopts this and the eight
19 following sections, the superintendent of public
20 buildings or such other officer as the mayor and
21 aldermen of said city or the selectmen of said
22 town may designate shall be inspector of build-
23 ings, and immediately on being informed by
24 report or otherwise that a building or other
25 structure or anything attached to or connected
26 therewith in said city or said town is unsafe or
27 dangerous to life or limb, shall inspect the same;
28 and if it appears to him that it is thus dangerous,
29 he shall forthwith notify in writing the owner,
30 agent or any person having an interest therein, to
31 remove the same or to make it safe and secure;
32 and if it appears that said structure from any
33 cause would be specially unsafe in case of fire, it
34 shall be deemed to be dangerous within the mean-
35 ing hereof; and he may affix a notice of its
36 dangerous character in a conspicuous place on
37 the exterior walls thereof; and no person shall
38 remove or deface such notice without authority
39 from him.

40 Section fifteen of said chapter is hereby amended
41 by inserting after the word "aldermen," in the
42 seventh line, the words "of the city or the select-
43 men of the town," so as to read as follows: —

44 *Section 15.* Whoever is so notified shall be
45 allowed until twelve o'clock, noon, of the day fol-
46 lowing the service of the notice in which to com-
47 mence the securing or removal of such structure,
48 and shall employ sufficient labor to secure or re-
49 move the same as expeditiously as it can be done;
50 but in cases where the public safety requires im-
51 mediate action the inspector may, if the mayor
52 and aldermen of the city or the selectmen of the
53 town so order, enter upon the premises with such
54 workmen and assistants as may be necessary, and
55 cause such unsafe structure to be shored up, taken
56 down or otherwise secured without delay, and a
57 proper fence or boarding put up for the protection
58 of passers-by.

59 Section sixteen of said chapter is hereby
60 amended by inserting after the word "consist-
61 ing," in the sixth line, the words "in the case of
62 a city," and by inserting after the word "inspec-
63 tor," in the eighth line, the words "and in case
64 of a town a surveyor, the chief engineer of the
65 fire department, and one disinterested person to
66 be appointed by said inspector," so as to read as
67 follows:—

68 *Section 16.* If such owner, agent or person
69 interested in such unsafe structure refuses or
70 neglects to comply with the requirements of such
71 notice within the time specified, and such struc-
72 ture is not secured or taken down as therein or-
73 dered, a careful survey of the premises shall be
74 made by a board consisting in the case of a city
75 of the city engineer, the chief engineer of the fire

76 department, and one disinterested person to be
77 appointed by said inspector; and in case of a
78 town of a surveyor, the chief engineer of the fire
79 department, and one disinterested person to be
80 appointed by said inspector; and a report of such
81 survey shall be reduced to writing, and a copy
82 thereof served on such owner, agent or any in-
83 terested person.

84 Section seventeen of said chapter is hereby
85 amended by inserting after the word "city," in
86 the tenth line, the words "or town where the
87 structure is located," so as to read as follows:—

88 *Section 17.* If such report declares such
89 structure to be unsafe and dangerous, and if the
90 owner, agent or person interested continues such
91 refusal or neglect, the inspector shall cause the
92 structure to be taken down or otherwise made
93 safe; and the costs and charges incurred shall
94 constitute a lien upon the estate where the same
95 is situated, to be enforced within the time and in
96 the manner provided for the collection of taxes
97 on real estate; and such owner or interested
98 person shall forfeit and pay to the city or town
99 where the structure is located for every day's
100 continuance of such refusal or neglect after
101 being so notified not less than ten nor more
102 than fifty dollars, to be recovered in an action of
103 tort.

104 Section twenty of said chapter is hereby
105 amended by inserting after the word "city," in
106 the third line, the words "or the town where the
107 structure is located," and by inserting after the

108 word “city,” in the sixth line, the words “or
109 town,” so as to read as follows:—

110 *Section 20.* If the order is affirmed, costs
111 shall be taxed against the applicant; if it is
112 annulled, the applicant shall recover damages
113 and costs against the city or town where the
114 structure is located; if it is altered in part, the
115 court may render such judgment as to costs as
116 justice may require; but nothing contained in
117 this and the two preceding sections shall prevent
118 the city or town from recovering the forfeiture
119 provided for in section seventeen, from the date
120 of the service of the original notice, unless the
121 order is annulled by the jury.

