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Each inspector of buildings shall be certified by the BBRS in accordance with the provisions of 780 CMR R7, the Rules and Regulations for the Certification of Inspectors of Buildings, Building Commissioners and Local Inspectors.

Municipalities may require additional qualifications or experience as are deemed necessary.

**105.4 Qualifications of the local inspector:** In accordance with the provisions of M.G.L. c. 143, § 3, each local inspector shall have had at least five years of experience in the supervision of building construction or design or in the alternative a two year associates degree in a field related to building construction or design, or any combination of education and experience which would confer equivalent knowledge and ability, as determined by the BBRS. In addition, such persons shall have had general knowledge of the accepted requirements for building construction, fire prevention, light, ventilation and safe egress; as well as a general knowledge of other equipment and materials essential for safety, comfort and convenience of the occupants of a *building* or *structure*.

Each local inspector shall be certified by the BBRS in accordance with the provisions of 780 CMR R7, the Rules and Regulations for the Certification of Inspectors of Buildings, Building Commissioners and Local Inspectors.

Municipalities may require additional qualifications or experience as are deemed necessary.

**105.5 Reporting Requirements:**

**105.5.1 Annual report by city or town clerk:**

In accordance with the provisions of M.G.L. c. 143, § 3, the clerk of each city or town shall, annually, not later than April first, transmit to the BBRS the names and official address of each inspector of buildings, building commissioner and local inspector as well as at such other times as required pursuant to 780 CMR R7, the Rules and Regulations for the Certification of Inspectors of Buildings, Building Commissioners and Local Inspectors. Such reports shall be submitted on forms prescribed by the BBRS for said purpose.

**105.5.2. New appointments:** The clerk of each city or town shall additionally report to the BBRS, the name, capacity and status of any new appointee within the time periods prescribed in 780 CMR R7 on forms prescribed by the BBRS for said purpose.

**105.6 Restriction of employees:** No full-time or part-time building commissioner, inspector of buildings, or full-time or part-time local inspector as defined herein shall be engaged in, or directly or indirectly connected with, the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building or structure, or the preparation of plans or of specifications therefore within the city, town or region for which he or she is appointed, unless he or she is the owner of the building or structure; nor shall any officer or employee associated with the building department engage in any work which conflicts with his or her official duties or with the interests of the department.

**Note:** See M.G.L. c. 143, § 3Z (Local Option law relative to part-time employees).

**105.7 Relief from personal liability:** Insofar as the law allows, while acting for the municipality, the building official, charged with the enforcement of 780 CMR shall not be deemed personally liable in the discharge of his official duties.

**105.8 Official records:** An official record shall be kept of all business and activities of the department specified in the provisions of 780 CMR. In accordance with the provisions of M.G.L. c. 66, § 10(b), all such records shall be open to public inspection at all appropriate times and according to reasonable rules to maintain the integrity and security of such records.

**780 CMR 106.0 DUTIES AND POWERS OF THE BUILDING OFFICIAL**

**106.1 General:** The inspector of buildings and local inspector (herein after building official) shall enforce all of the provisions of 780 CMR, 521 CMR (Architectural Access Board) and any other state statutes, rules and regulations, or ordinances or bylaws which empower the building official. The building official shall act on any question relative to the mode or manner of construction and materials to be used in the construction, reconstruction, alteration, repair, demolition, removal, installation of equipment and the location, use, *occupancy* and maintenance of all *buildings* and *structures*, except as otherwise specifically provided for by statutory requirements or as provided for in 780 CMR 109.0.

**106.2 Applications and permits:** The building official shall receive applications and issue permits for the construction, reconstruction, alteration, repair, demolition, removal or change in use or *occupancy* of *buildings* and *structures*; inspect the *premises* for which such permits have been issued and enforce compliance with the provisions of 780 CMR.

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**106.3 Notices and orders:** The building official shall issue all necessary notices or orders to ensure compliance with 780 CMR.

**106.4 Inspections:** The building official shall make such inspections as deemed necessary to ensure compliance with 780 CMR, or the building official may accept reports of inspection by qualified agencies or individuals, which reports shall be in writing and be certified by a responsible officer of such agency or by the responsible individual.

**106.5 Inspection and certification of specified use groups:** The building official shall periodically inspect and certify *buildings* and *structures* or parts thereof in accordance with Table 106. A *building* or *structure* shall not be occupied or continue to be occupied without the posting of a valid certificate of

inspection where required by Table 106. A certificate of inspection as herein specified shall not be issued until an inspection is made certifying that the *building* or *structure* or parts thereof complies with all the applicable requirements of 780 CMR, and until the fee is paid as specified in Table 106. Municipalities may increase or waive only in their entirety for any specific *use group* the fees as specified in said Table 106.

**Exception:** Municipalities may revise or modify, or waive in part those fees for *buildings* and *structures* or parts thereof owned by the municipality, county or political subdivision thereof and for *buildings* and *structures* or parts thereof used solely for religious purposes.

**TABLE 106**  
REQUIRED MINIMUM INSPECTIONS AND CERTIFICATIONS FOR SPECIFIED USE GROUPS  
(See Chapters 3 and 4 for complete description of *use groups*)

Use Group	Use Group	Use Group Description	Minimum Inspections	Maximum Certification Period	Fees for Maximum Certification Period
A-1	Assembly - Theaters over 400 capacity	With stage and scenery Movie Theater	Semi- Annual Semi- Annual	One Year One Year	\$75 \$75
A-1	Assembly - Theaters 400 or less capacity	With stage and scenery Movie Theater	Annual Annual	One Year One Year	\$40 \$40
A-2	Assembly - Night Clubs or similar uses	Over 400 capacity 400 or less capacity	Semi Annual Annual	One Year One Year	\$75 \$40
A-3	Assembly Lecture Halls, recreation centers, terminals, etc.	Over 400 capacity 400 or less capacity	Semi Annual Annual	One Year One Year	note a \$40
A-4	Assembly	Churches, low density, recreation & similar uses	Prior to issuance of each new certificate	Five Years	\$40
A-5	Assembly	Stadiums, bleachers, places of outdoor assembly	Prior to issuance of each new certificate	One Year	note b
E	Educational	Educational	Prior to issuance of each new certificate	One Year	\$40
E	Day Care	Child day care centers (see Chapter 4)	Prior to issuance of each new certificate	One Year	\$40
I-2	Institutional	Incapacitated - hospitals, nursing homes, mental hospitals, certain day care facilities (see Chapter 4)	Prior to issuance of each new certificate	Two Years	note d
I-3	Institutional	Restrained - prisons, jails, detention centers, etc.	Prior to issuance of each new certificate	Two Years	note c
R-1	Residential	Hotels, motels, lodging houses, dormitories, etc. (note g)	Prior to issuance of each new certificate	One Year	note e
R-2	Residential	Multi family (note g)	Prior to issuance of each new certificate	Five Years	note f
R-1	Residential Special Occupancy	Detoxification facilities (see Chapter 4)	Prior to issuance of each new certificate	Two Years	\$75
R-2	Residential Special Occupancy	Summer camps for children (see chapter 4)	Annual	One Year	note h
R-3 or R-4	Residential Special Occupancy	Group Residence (see Chapter 4)	Annual	One Year	note h
R-5	Residential Special Occupancy	Limited Group Residence (see Chapter 4)	Annual	One Year	note h

Notes applicable to Table 106

**General:** The maximum certification period specified in Table 106 is intended to provide administrative flexibility. For those *buildings* and *structures* or parts thereof allowing more than one year maximum certification period, the building official may determine the length of validity of the certificate issued. For example, a building in the R-2 use group could be issued a certificate valid for one, two, three, four or five years. The total amount of fees charged for a certificate or certificates issued during the maximum certification period can exceed the fee listed or referenced in

### 780 CMR 120.0 CERTIFICATE OF OCCUPANCY

**120.1 General: New buildings and structures:** A *building* or *structure* hereafter shall not be used or occupied in whole or in part until the certificate of use and *occupancy* shall have been issued by the building commissioner or inspector of buildings or, when applicable, the state inspector. The certificate shall not be issued until all the work has been completed in accordance with the provisions of the approved permits and of the applicable codes for which a permit is required, except as provided in 780 CMR 120.3.

**120.2 Buildings or structures hereafter altered:** A *building* or *structure*, in whole or in part, altered to change from one *use group* to another; to a different use within the same *use group*; the fire grading; the maximum live load capacity; the *occupancy* load capacity shall not be occupied or used until the certificate shall have been issued certifying that the work has been completed in accordance with the provisions of the approved permits and of the applicable codes for which a permit is required. Any use or *occupancy*, which was not discontinued during the work of alteration, shall be discontinued within 30 days after the completion of the alteration unless the required certificate is issued.

**120.3 Temporary occupancy:** Upon the request of the holder of a permit, a temporary certificate of *occupancy* may be issued before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely prior to full completion of the *building* or *structure* without endangering life or public welfare. Any *occupancy* permitted to continue during the work shall be discontinued within 30 days after completion of the work unless a certificate of *occupancy* is issued by the building official.

**120.4 Contents of certificate:** When a *building* or *structure* is entitled thereto, the building official shall issue a certificate of *occupancy* within ten days after written application. Upon completion of the final inspection in accordance with 780 CMR 115.5 and correction of the violations and discrepancies, and compliance with 780 CMR 903.4, the certificate of *occupancy* shall be issued. The certificate of *occupancy* shall specify the following.

1. The edition of the code under which the permit was issued.
2. The *use group* and *occupancy*, in accordance with the provisions of 780 CMR 3.
3. The type of construction as defined in 780 CMR 6.
4. The occupant load per floor.
5. Any special stipulations and conditions of the building permit.

### 120.5 Posting structures:

**120.5.1 Posted use and occupancy:** A suitably designed placard approved by the building official shall be posted by the owner on all floors of every building and structure and part thereof designed for high hazard, storage, mercantile, factory and industrial or business use (use groups H, S, M, F and B) as defined in 780 CMR 3. Said placard shall be securely fastened to the building or structure in a readily visible place, stating: the use group, the fire grading, the live load and the occupancy load.

**120.5.2 Posted occupancy load:** A suitably designed placard approved by the building official shall be posted by the owner in every room where practicable of every building and structure and part thereof designed for use as a place of public assembly or as an institutional building for harboring people for penal, correctional, educational, medical or other care or treatment, or as residential buildings used for hotels, lodging houses, boarding houses, dormitory buildings, multiple family dwellings (use groups A, I, R-1 and R-2). Said placard shall designate the maximum occupancy load.

**120.5.3 Replacement of posted signs:** All posting signs shall be furnished by the owner and shall be of permanent design: they shall not be removed or defaced, and if lost, removed or defaced, shall be immediately replaced.

**120.5.4 Periodic inspection for posting:** The building official may periodically inspect all existing buildings and structures except one and two family dwellings for compliance with 780 CMR in respect to posting; or he may accept the report of such inspections from a qualified registered engineer or architect or others certified by the BBRS; and such inspections and reports shall specify any violation of the requirements of 780 CMR in respect to the posting of floor load, fire grading, occupancy load and use group of the building or structure.

### 780 CMR 121.0 UNSAFE STRUCTURES

**121.1 General:** The provisions of 780 CMR 121.0 are established by M.G.L. c. 143, §§ 6, 7, 8, 9 and 10.

**121.2 Inspection:** The building official immediately upon being informed by report or otherwise that a *building* or other *structure* or anything attached thereto or connected therewith is dangerous to life or limb or that any *building* in that city or town is unused, uninhabited or abandoned, and open to the weather, shall inspect the same; and he shall forthwith in writing notify the owner to remove it or make it safe if it appears to him to be dangerous, or to make it secure if it is unused, uninhabited or abandoned and open to the weather.