

**THE BUILDING LAW OF
THE CITY OF
BOSTON: BEING ACTS
OF 1907, CHAPTER 550**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649442263

The Building Law of the City of Boston: Being Acts of 1907, Chapter 550 by Various

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THE BUILDING LAW

OF THE

UNIV. OF
CALIFORNIA

CITY OF BOSTON.

BEING ACTS OF 1907, CHAPTER 550.

Published by
THE MASTER BUILDERS ASSOCIATION,
No. 166 Devonshire Street,
BOSTON,
October, 1907.

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THE BUILDING LAW

OF THE

CITY OF BOSTON.

ACTS, 1907 — CHAP. 550.

AN ACT RELATIVE TO THE CONSTRUCTION, ALTERATION AND MAINTENANCE
OF BUILDINGS IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. There shall be in the city of Boston a department to be called the building department, which shall be under the charge of the building commissioner. The commissioner, who shall have had at least five years' experience as an architect, a builder, or a civil engineer, shall be appointed by the mayor, for a term of five years. He shall receive such salary as shall be fixed by the city council, with the approval of the mayor.

The present officers and employees of the building department, except the board of appeal, shall hold their several offices and positions until removed or discharged according to law.

The commissioner may, with the approval of the mayor, appoint such number of inspectors, employees, and assistants as the city council shall, from time to time, determine. No person shall be appointed as inspector of construction who has not had at least five years' experience as a builder, civil engineer, or architect, or as a superintendent or foreman or a competent mechanic in charge of construction.

The commissioner may appoint as his deputy an inspector in the department who shall, during the absence or disability of the commissioner, exercise all the powers of the commissioner. No officer connected with the department shall engage in any other business or be interested in the doing of work or the furnishing of material for the construction, repair or maintenance of any building, or in the making of plans or of specifications therefor, unless he is the owner of the building or a member of the board of appeal.

The clerk of the department shall, under the direction of the commissioner, keep a record of the business of the department, and the commissioner shall submit to the mayor a yearly report of such business. The records of the department shall be open to public inspection. The com-

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missioner may require plans and specifications of any proposed structure or for the alteration of any structure or building to be filed with him, duplicates of which, when approved by the commissioner, shall be kept at the building during the progress of the work. Such duplicates shall be open to the inspection of any inspector in said department.

The commissioner shall grant permits for the construction, alteration, removal or tearing down of buildings or structures, and for plumbing, gas fitting, and the setting and maintenance of steam boilers and furnaces when applications for the same are made and filed in conformity with law.

All permits issued by the commissioner shall be on printed forms approved by him.

If the commissioner finds that the terms of a permit are being violated, he may, after notice mailed to the person to whom the permit was issued, order the whole or any part of the work, which is being done under the permit, to be stopped, and such work shall not be resumed until the terms of the permit have been complied with.

All applications for permits under the provisions of this act shall be in writing, on forms furnished by the department. The commissioner may require the material facts set forth in the same to be verified by the oath of the applicant; he may also require, in his discretion, a survey of a lot on which any proposed building is to be erected to be filed with the application. Every application shall state the name and address of the owner.

SECT. 2. The commissioner, or one of his inspectors, shall examine as often as is practicable every building in the course of construction or alteration, and shall make a record of all violations of this act and of all other matters relative thereto. The publication of such records with the consent of the commissioner shall be privileged.

SECT. 3. The commissioner, or one of his inspectors, shall examine any building reported as dangerous or damaged, and shall make a record of such examination, stating the nature and estimated amount of the damage, and the purpose for which the building was used, and in case of fire the probable origin thereof; and shall examine all buildings in respect to which applications have been made for permits to raise, enlarge, alter, or repair, and shall make a record of every such examination.

SECT. 4. The commissioner, or one of his inspectors, shall inspect every building or other structure or anything attached to or connected therewith which he has reason to believe is unsafe or dangerous to life, limb, or adjoining buildings, and if he finds it unsafe or dangerous, he shall forthwith in writing notify the owner, agent, or any person having an interest therein, to secure the same, and shall affix in a conspicuous place upon its external walls a notice of its dangerous condition. The notice shall not be removed or defaced without his consent.

The commissioner may with the written approval of the mayor order any building which in his opinion is unsafe to be vacated forthwith.

SECT. 5. The person notified as provided in the preceding section shall secure or remove said building, structure, attachment or connection forthwith. If the public safety so requires, the commissioner, with the approval of the mayor, may at once enter the building or other structure, the land on which it stands or the abutting land or buildings, with such assistance as he may require, and secure the same, and may erect such

protection for the public by proper fence or otherwise as may be necessary, and for this purpose may close a public highway.

SECT. 6. There shall be in said department a board to be called the board of appeal. Said board shall consist of five members appointed by the mayor in the following manner: One member from two candidates, one to be nominated by the Real Estate Exchange and Auction Board and one by the Massachusetts Real Estate Exchange; one member from two candidates, one to be nominated by the Boston Society of Architects and one by the Boston Society of Civil Engineers; one member from two candidates, one to be nominated by the Master Builders Association and one by the Contractors and Builders Association; one member from two candidates to be nominated by the Building Trades Council of the Boston Central Labor Union; and one member selected by the mayor. These appointments shall be subject to confirmation by the board of aldermen. The appointments first made shall be for the terms of one, two, three, four, and five years, respectively, so that the term of one member shall expire each year. All subsequent appointments shall be for the term of five years. Vacancies shall be filled in the same manner in which original appointments are made. Each member of said board shall be paid ten dollars per day for actual service but not more than one thousand dollars in any one year. No member shall act in any case in which he is interested, and in case any member is so disqualified, the remaining members shall designate a substitute.

All the members of said board shall be residents of or engaged in business in Boston.

Every decision of the board shall be in writing and shall require the assent of at least three members.

SECT. 7. An applicant for a permit whose application has been refused may appeal therefrom within ninety days. A person who has been ordered by the commissioner to incur any expense may within ten days after being notified of such order appeal therefrom by giving to the commissioner notice in writing of his appeal. Such notice or a certified copy thereof shall at once be transmitted by the commissioner to the board of appeal. After notice given to such parties as the board shall order, a hearing shall be had, and the board shall affirm, annul, or modify said refusal or order. The board may vary the provisions of this act in specific cases which appear to them not to have been contemplated by this act although covered by it, or in cases where manifest injustice is done, provided that the decision of the board in such a case shall be unanimous and shall not conflict with the spirit of any provision of this act.

The decision shall specify the variations allowed and the reasons therefor, and shall be filed in the office of the commissioner within ten days after the hearing. A certified copy shall be sent by mail or otherwise to the applicant and a copy kept publicly posted in the office of the commissioner for two weeks thereafter. If the order or refusal of the commissioner is affirmed, such order or refusal shall have full force and effect. If the order or refusal is modified or annulled, the commissioner shall issue a permit in accordance with such decision.

The provisions of this section shall also apply to any similar action or order of the commissioner of wires, under the provisions of chapter two hundred and sixty-eight of the acts of the year eighteen hundred and

ninety-eight, or of any amendment thereof or addition thereto, except that in respect thereto the words "commissioners of wires" shall be substituted for the word "commissioner."

SECT. 8. Methods of construction or maintenance equivalent to those required by the provisions of this act may be allowed with the written consent of the commissioner and the board of appeal specifying the same. A record of the required and the equivalent method allowed shall be kept in the office of the commissioner.

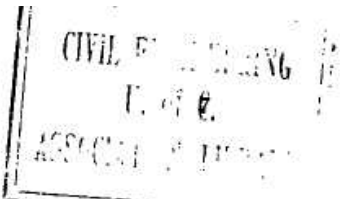
It shall be the duty of the board of appeal to submit to the mayor on or before the first day of February in each year a report giving a summary of all decisions of the board, together with such recommendations for revision of the law as may seem to them advisable. The commissioner shall cause the report to be printed as a separate document for public distribution.

Any requirement necessary for the strength or stability of any proposed structure or for the safety of the occupants thereof, not specifically covered by this act, shall be determined by the commissioner, subject to appeal.

SECT. 9. The building limits of the city of Boston as they now exist shall continue until changed by ordinance, and the city council may by ordinance from time to time extend and define said building limits, and may establish other limits in any part of the city within which every building built after the establishment thereof shall be of the first or second class. This restriction shall not apply to wharves, nor to buildings not exceeding twenty-seven feet in height on wharves, nor to market sheds or market buildings not exceeding such height, nor to elevators for the storage of coal or grain, if the external parts of such buildings, elevators, or other structures are covered with slate, tile, metal, or other equally fireproof material, and the mode of construction and the location thereof are approved by the commissioner. Temporary structures to facilitate the prosecution of any authorized work may be erected under such conditions as the commissioner may prescribe.

SECT. 10. The provisions of this act shall not apply to bridges, quays, or wharves, nor to buildings on land ceded to the United States or owned and occupied by the Commonwealth, nor to the Suffolk County court house, jail, or house of correction, nor to railroad stations, nor to portable school buildings erected and maintained by the schoolhouse department, nor to voting booths erected and maintained by the board of election commissioners.

Except as otherwise provided by law, the provisions of this act shall not be held to deprive the board of health, the police commissioner, the board of street commissioners, the board of park commissioners, the board of examiners of gas fitters, the commissioner of wires, or the fire commissioner of the city of Boston of any power or authority which they have at the date of the passage of this act, or of the remedies for the enforcement of the orders of said boards or officers; unless such powers, authorities, or remedies are inconsistent with the provisions of this act; nor to repeal any existing law, not herein expressly repealed, except so far as it may be inconsistent with the provisions of this act.



DEFINITIONS.

SECT. 11. In this act the following terms shall have the meanings respectively assigned to them:—

First class building:— A first class building shall consist of fireproof material throughout, with floors constructed of iron, steel or reinforced concrete beams, filled in between with terra-cotta or other masonry arches or with concrete or reinforced concrete slabs; wood may be used only for under and upper floors, windows and door frames, sashes, doors, interior finish, hand rails for stairs, necessary sleepers bedded in the cement, and for isolated furrings bedded in mortar. There shall be no air space between the top of any floor arches and the floor boarding.

Second class building:— All buildings not of the first class, the external and party walls of which are of brick, stone, iron, steel, concrete, reinforced concrete, concrete blocks, or other equally substantial and fireproof material.

Third class building:— A wooden frame building.

Composite building:— A building, partly of second class and partly of third class construction.

Foundation:— That part of a wall below the level of the street curb, or, if a wall is not on a street, that part of the wall below the level of the highest ground next to the wall, or, if so construed by the commissioner, that part of a party or partition wall below the cellar floor.

Height of a building:— The vertical distance of the highest point of the roof above the mean grade of the curbs of all the streets upon which it abuts, and if it does not abut on a street, above the mean grade of the ground adjoining the building.

Party wall:— A wall that separates two or more buildings, and is used or adapted for the use of more than one building.

Partition wall:— An interior wall of masonry in a building.

Thickness of wall:— The minimum thickness of such wall.

Story of a building:— That part of a building between the top of any floor beams and the top of the floor or roof beams next above.

Basement:— That story of a building not more than forty per cent of which is below the grade of the street.

Cellar:— That part of a building more than forty per cent of which is below the grade of the street, and in third class buildings that part of the building which is below the sills.

Gas fitting shall mean the work of putting together any fittings, pipe or fixtures or other appliances which are to contain gas for heat, light or power purposes and will be subject to inspection under existing laws.

REQUIREMENTS FOR ALL BUILDINGS.

SECT. 12. No building, structure or foundation shall be constructed or altered without a permit, and such work shall be done in accordance with drawings bearing the approval of the commissioner.

Every structure in process of construction, alteration, repair or removal, and every neighboring structure or portion thereof affected by such process or by any excavation, shall be sufficiently supported during such process.