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HOUSE . . . . . No. 2271

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act clarifying enforcement of the state fire code..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 143 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by deleting the Section 3A and inserting the following new section:-

"Notwithstanding any general or special law to the contrary and notwithstanding any provisions of the state building code to the contrary the head of the local fire department shall enforce the state building code as to any building or structure within the city or town from which he is appointed including any property owned by the commonwealth or any departments, commissions, agencies or authorities of the commonwealth. In the event of a conflict between said code and a statute, ordinance or by-law regulating any historic district, regional historic district or architecturally controlled district, provisions of any such statute, ordinance or by-law regulating exterior architectural features within such district shall prevail. Except that the Massachusetts port authority fire department shall enforce the state fire prevention code on any property owned by the Massachusetts port authority located at Logan International Airport. This section shall apply to both publicly and privately owned buildings. Decisions by a head of the local fire department can be appealed to the State Fire Marshal's Office."

SECTION 2. Section 4 of Chapter 148 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after the first paragraph the following new paragraph:-

"The head of a fire department in a city, town, or district shall enforce the State Fire Prevention code on any property owned by the Commonwealth or any departments, commissions, agencies or authorities of the Commonwealth. Except that the Massachusetts Port Authority Fire Department shall enforce the State Fire prevention Code on any property owned by the Massachusetts Port Authority located at Logan International Airport. Decisions by a Head of the Local Fire Department can be appealed to the State Fire Marshal's Office."