

780 CMR: STATE BOARD OF BUILDING REGULATIONS AND STANDARDS
THE MASSACHUSETTS STATE BUILDING CODE

114.3.1 Fee schedule: A fee for each plan examination, building permit and inspection shall be paid in accordance with the fee schedule as established by the municipality.

114.4 Accounting: The building official shall keep an accurate account of all fees collected; and such collected fees shall be deposited in the jurisdiction treasury in accordance with procedures established by the municipality, or otherwise disposed of as required by law.

780 CMR 115.0 INSPECTION

115.1 Preliminary inspection: Before issuing a permit, the building official shall, if deemed necessary, examine or cause to be examined all *buildings, structures* and sites for which an application has been filed for a permit to construct, enlarge, alter, repair, remove, demolish or change the use or *occupancy* thereof.

115.2 Required inspections: After issuing a building permit, the building official shall conduct inspections during construction at intervals sufficient to ensure compliance with the provisions of 780 CMR. The building official shall inform the applicant of the required points of inspection at the time of application. Upon completion of the work for which a permit has been issued, the building official shall conduct a final inspection pursuant to 780 CMR 115.5. A record of all such examinations and inspections and of all violations of 780 CMR shall be maintained by the building official. For *buildings* and *structures* subject to construction control, the owner shall provide for special inspections in accordance with 780 CMR 1705.0.

In conjunction with specific construction projects, the building official may designate specific inspection points in the course of construction that require the contractor or builder to give the building official 24 hours notice prior to the time when those inspections need to be performed. The building official shall make the inspections within 48 hours after notification.

115.3 Approved inspection agencies: The building official may accept reports of approved inspection agencies provided such agencies satisfy the requirements as to qualifications and reliability.

115.4 Plant inspection: Where required by the provisions of 780 CMR or by the approved rules, materials or assemblies shall be inspected at the point of manufacture or fabrication in accordance with 780 CMR 1703.3.

115.5 Final inspection: Upon completion of the *building* or *structure*, and before issuance of the certificate of *occupancy* required by 780 CMR 120.0, a final inspection shall be made. All

variations of the approved construction documents and permit shall be noted and the holder of the permit shall be notified of the discrepancies.

115.6 General: In the discharge of his duties, the building official shall have the authority to enter at any reasonable hour any *building, structure* or *premises* in the municipality to enforce the provisions of 780 CMR.

If any owner, occupant, or other person refuses, impedes, inhibits, interferes with, restricts, or obstructs entry and free access to every part of the *structure*, operation or *premises* where inspection authorized by 780 CMR is sought, the building official, or state inspector may seek, in a court of competent jurisdiction, a search warrant so as to apprise the owner, occupant or other person concerning the nature of the inspection and justification for it and may seek the assistance of police authorities in presenting said warrant.

115.7 Identification: The building official shall carry proper identification when inspecting *structures* or *premises* in the performance of duties under 780 CMR.

115.8 Jurisdictional cooperation: The assistance and cooperation of police, fire, and health departments and all other officials shall be available to the building official as required in the performance of his duties.

115.9 Coordination of inspections: Whenever in the enforcement of 780 CMR or another code or ordinance, the responsibility of more than one building official of the jurisdiction is involved, it shall be the duty of the building officials involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the *building* or *structure* shall not be subjected to visits by numerous inspectors or multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent or actual violation of some provision of some law, ordinance or code not within the inspector's authority to enforce, the inspector shall report the findings to the building official having jurisdiction.

**780 CMR 116.0 REGISTERED
ARCHITECTURAL AND
PROFESSIONAL ENGINEERING
SERVICES - CONSTRUCTION CONTROL**

116.1 General: The provisions of 780 CMR 116.0 define the construction controls required for all *buildings* and *structures* needing registered architectural or registered professional engineering services, and delineate the responsibilities of such professional services together with those services that are the responsibility of the contractor during construction.

The following structures are exempt from the requirements of 780 CMR 116.0;

1. Any *building* containing less than 35,000 cubic feet of enclosed space, measured to the exterior surfaces of walls and *roofs* and to the top of a ground supported floor, or in the case of a crawl space, to the bottom surface of the crawl space. In the case of basement floors or levels, the calculation of enclosed space shall include such spaces.
2. Any single or two family dwelling or any accessory *building* thereto;
3. Any *building* used exclusively for farm purposes (this exemption does not apply if the building is to be used for large assemblies of people or uses other than farm purposes); and
4. *Retaining walls* less than ten feet in *height* at all points along the wall as measured from the base of the footing to the top of the wall.

Notwithstanding the exemptions above, professional engineering services shall be required for activities which are deemed to constitute the practice of engineering as defined in M.G.L. c. 112, § 81D, except as provided in M.G.L. c. 54A and any legally required profession or as provided in M.G.L. c. 112, § 81R.

116.1.1 Specialized structures requiring construction control: Telecommunication towers and similar structures are engineered structures and shall be subject to the requirements of 780 CMR 116.

116.2 Registered architectural and engineering services:

116.2.1 Design: All plans, computations and specifications involving new construction, alterations, repairs, expansions or additions or change in use or *occupancy of existing buildings* shall be prepared by or under the direct supervision of a Massachusetts registered architect or Massachusetts registered professional engineer and shall bear his or her original signature and seal or by the legally recognized professional performing the work, as defined by M.G.L. c. 112, §81R. Said signature and seal shall signify that the plans, computations and specifications meet the applicable provisions of 780 CMR and all accepted engineering practices.

116.2.2 Architect/engineer responsibilities during construction: The registered architects and registered professional engineers who have prepared plans, computations and specifications or the registered architects or registered professional engineers who have been retained to perform construction phase services, shall perform the following tasks for the portion of the work for which they are directly responsible;

1. Review, for conformance to the design concept, shop drawings, samples and other submittals which are submitted by the

contractor in accordance with the requirements of the construction documents.

2. Review and approval of the quality control procedures for all code-required controlled materials.

3. Be present at intervals appropriate to the stage of construction to become, generally familiar with the progress and quality of the work and to determine, in general, if the work is being performed in a manner consistent with the construction documents.

116.2.3 Structural Tests and Inspections: Structural tests and inspection shall be provided in accordance with 780 CMR 1705.0.

116.2.4 Tests and Inspections of non structural systems: Tests and inspections of non structural systems shall be performed in accordance with applicable engineering practice standards or referenced standards listed in *Appendix A*.

116.3 Construction contractor services: The actual construction of the work shall be the responsibility of the general contractor as identified on the approved building permit and shall involve the following:

1. Execution of all work in accordance with the approved construction documents.
2. Execution and control of all methods of construction in a safe and satisfactory manner in accordance with all applicable local, state, and federal statutes and regulations.
3. Upon completion of the construction, he shall certify to the best of his knowledge and belief that such has been done in substantial accord with 780 CMR 116.3 items 1 and 2 and with all pertinent deviations specifically noted.

116.4 On site project representation: When applications for unusual designs or magnitude of construction are filed, or where reference standards require special architectural or engineering inspections, the building official may require full-time project representation by a registered architect or professional engineer in addition to that provided in 780 CMR 116.2.2. The project representative shall keep daily records and submit reports as may be required by the building official. Upon completion of the work, the registered architect or professional engineer shall file a final report indicating that the work has been performed in accordance with the approved plans and 780 CMR.

116.4.1 Building permit requirement: This on-site project representation requirement shall be determined prior to the issuance of the building permit and shall be a requisite for the permit issuance. Refusal by the applicant to provide such service as required by the building official shall result in the denial of the permit. However, the applicant may file an appeal as provided in 780 CMR 122.0.

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116.4.2 Fee and costs: All fees and costs related to the performance of on-site project representation shall be borne by the owner.

116.5 Building official responsibility: Nothing contained in 780 CMR 116.0 shall have the effect of waiving or limiting the building official's authority to enforce 780 CMR with respect to examination of the contract documents, including plans, computations and specifications, and field inspections (see 780 CMR 106.0).

780 CMR 117.0 WORKMANSHIP

117.1 General: All work shall be conducted, installed and completed in a workmanlike and acceptable manner so as to secure the results intended by 780 CMR.

780 CMR 118.0 VIOLATIONS

118.1 Unlawful acts: It shall be unlawful for any person, firm or corporation to use, occupy or change the use or *occupancy* of any *building* or *structure* or to erect, construct, alter, extend, repair, remove, demolish any *building* or *structure* or any equipment regulated by 780 CMR, or cause same to be done, in conflict with or in violation of any of the provisions of 780 CMR.

118.2 Notice of violation: The building official shall serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, removal, demolition or *occupancy* of a *building* or *structure* in violation of the provisions of 780 CMR, or in violation of a detail statement or a plan approved thereunder, or in violation of a permit or certificate issued under the provisions of 780 CMR. Such order shall be in writing and shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

118.3 Prosecution of violation: If the notice of violation is not complied with in the time period specified in said notice of violation, the building official may institute the appropriate proceedings at law or in equity to restrain, correct or abate such violation or to require the removal or termination of the unlawful *occupancy* of the *building* or *structure* in violation of the provisions of 780 CMR or of the order or direction made pursuant thereto.

118.4 Violation penalties: Whoever violates any provision of 780 CMR, except any specialized code referenced herein, shall be punishable by a fine of not more than \$1,000 or by imprisonment for not more than one year, or both for each such violation. Each day during which a violation exists shall constitute a separate offense. The building official shall not begin criminal prosecution for such

violations until the lapse of 30 days after the issuance of the written notice of violation.

118.5 Abatement of violation: The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation, or to prevent illegal *occupancy* of a *building*, *structure* or *premises* or to stop an illegal act, conduct, business or *occupancy* of a *building* or *structure* on or about any *premises*.

118.6 Notice or orders, service and content: Every notice or order authorized by 780 CMR shall be in writing and shall be served on the person responsible:

1. personally, by any person authorized by the building official; or
2. by any person authorized to serve civil process by leaving a copy of the order or notice at the responsible party's last and usual place of abode; or
3. by sending the party responsible a copy of the order by registered or certified mail return receipt requested, if he is within the Commonwealth; or
4. if the responsible party's last and usual place of abode is unknown, by posting a copy of this order or notice in a conspicuous place on or about the *premises* in violation and by publishing it for at least three out of five consecutive days in one or more newspapers of general circulation wherein the *building* or *premises* affected is situated.

780 CMR 119.0 STOP WORK ORDER

119.1 Notice to owner: Upon notice from the building official that work on any *building* or *structure* is being prosecuted contrary to the provisions of 780 CMR or in an unsafe and dangerous manner or contrary to the approved construction documents submitted in support of the building permit application, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work; and shall state the conditions under which work will be permitted to resume.

119.2 Unlawful continuance: Any person who shall continue any work in or about the *building* or *structure* after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not more than \$1,000 or by imprisonment for not more than one year, or both for each such violation. Each day during which a violation exists shall constitute a separate offense.