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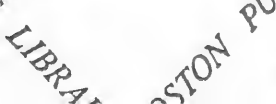
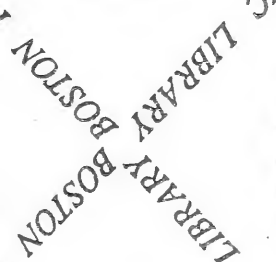
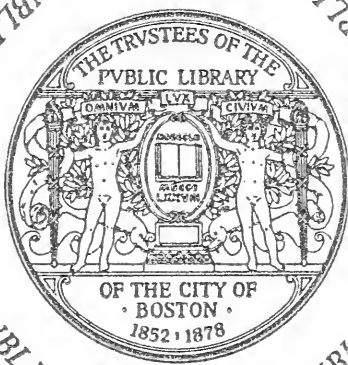
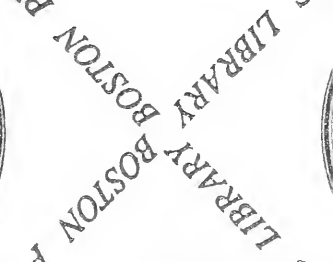
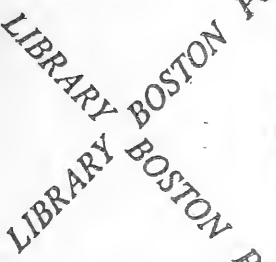
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1873

C. J.





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CITY OF BOSTON.

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DIGEST

1873

OF THE

STATUTES

RELATING TO THE

Survey and Inspection of Buildings

IN THE

CITY OF BOSTON.

1873.



BOSTON

PRESS OF ROCKWELL AND CHURCHILL

122 WASHINGTON STREET

1873





CITY OF BOSTON.

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1873.



BOSTON:

PRESS OF ROCKWELL AND CHURCHILL,

122 WASHINGTON STREET.

1873.

Dr. Robert White

May 31, 1910

5. 67  
cont.  
1873

## ORGANIZATION OF DEPARTMENT.

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### Inspector of Buildings.

DAVID CHAMBERLIN . . . . . RESIDENCE, 33 DWIGHT STREET.

---

### Clerk of Department.

WILLIAM H. LEE . . . . . RESIDENCE, 47 CLARENCE STREET.

---

### Assistant Inspectors.

THOMAS P. SWEAT . . . . . RESIDENCE, 173 RUGGLES STREET.

JOHN B. ROYS . . . . . " 2 CARLTON STREET.

MARSHALL LIVERMORE . . . . . " 58 BARTLETT STREET.

WILLIAM FRYE . . . . . " 13 WASHINGTON PLACE.

OLIVER L. SHAW . . . . . " 24 WHITE STREET.

HARTFORD DAVENPORT . . . . . " HANCOCK, NEAR COLUMBIA ST.

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OFFICE, CITY HALL (BASEMENT).



# STATUTES

RELATING TO THE

## REGULATION AND INSPECTION OF BUILDINGS, THE MORE EFFECTUAL PREVENTION OF FIRE, AND THE BETTER PRESERVA- TION OF LIFE AND PROPERTY, IN THE CITY OF BOSTON.

### EXEMPTIONS.

The following buildings and works shall be exempt from the operations of this act: — 1871, c. 280,  
§ 13.

1. Bridges, quays, wharves.

Buildings belonging to, or occupied by, the governments of the United States and the Commonwealth of Massachusetts.

### BUILDING LIMITS.

2. The city council of the city of Boston shall, within sixty days after the passage of this act, establish and define the limits within which all buildings thereafter erected shall conform to the provisions of this act; and said city council may, from time to time, by ordinance, extend and define the said limits as they may deem proper, due legal notice being given thereof. Building lim-  
its to be estab-  
lished.  
Ibid. § 3.

(By an ordinance approved July 8, 1871, entitled "An ordinance in relation to the regulation and inspection of buildings," the following limits were established and defined.

1871, c. 280, § 3.  
Building limits.

Beginning at the intersection of the centre line of Dover and Albany streets, thence running eastwardly through the centre of Dover street to the Harbor Commissioner's line; thence around the northerly portion of the "City Proper," by the said Harbor Commissioner's line to a point on Charles river, opposite the centre line of Parker street, or cross dam; thence through the centre of Parker street or cross dam to a point opposite the centre of Ruggles street; thence through the centre of Ruggles street to the centre of Washington street; thence through the centre of Washington street to a point opposite the centre of Palmer street; thence through the centre of Palmer and Eustis streets to the centre of Hampden street; and thence through the centre of Hampden and Albany streets to the point of beginning.

The said district being shown by a shaded red line on a plan made by the City Surveyor, dated June 26, 1871, and deposited in the office of the City Surveyor.)

#### APPLICATION OF ACT.

Application of act.  
1871, c. 280,  
§ 14.

3. With the exceptions hereinbefore or hereinafter mentioned, this act shall apply to all buildings hereafter erected within the building limits of the city of Boston, and to all tenement or lodging houses and all buildings built of brick, stone, or other non-combustible material outside of the said limits, but within the city of Boston.

Alterations or additions.  
Ibid. § 15.

Any work of alteration or addition made or done for any purpose in, to or upon any building, except that of necessary repairs not affecting the construction of the external or party walls, chimneys or stairways of a building, shall, to the extent of such work of alteration or addition, be subject to the regulations of this act.

Buildings not to be raised or built upon in violation of provisions of this act.  
1872, c. 371,  
§ 21.

No building already erected or hereafter to be built in said city shall be raised or built upon in such manner that were such building wholly built or constructed after the passage of this act, it would be in violation of any of the

provisions of this act. And before any building built of stone, brick or iron, or any wooden building with or without a brick front, in any part of said city, shall be enlarged, raised, altered or built upon, the same shall be first examined by the said inspector, to ascertain if the building or buildings, or either of them, are in a good and safe condition to be enlarged, raised, altered or built upon; and no such building as aforesaid shall be enlarged, raised, altered or built upon until after such examination and decision; and the decision of said inspector under such examination shall be final and conclusive in the premises, except as hereinafter provided, and shall be made without delay.

1872, c. 371,  
§ 21.

#### CONSTRUCTION OF BUILDINGS.

4. Every building shall be built of brick, stone, iron or other hard and incombustible material, and with foundations resting upon the solid ground, not less than four feet below the surface exposed to frost, or upon concrete, piles or other solid substructure.

To be built of  
hard and in-  
combustible  
material.  
1871, c. 280,  
§ 20.

Every wall constructed of brick, stone, or other similar substance, shall be properly bonded and solidly built with mortar or cement.

Walls to be  
solidly built.

The thickness of every wall, as hereinafter determined, shall be the minimum thickness as applied to solid walls.

5. The height of every external or party wall, as referred to in this act, or in the act of which this act is an amendment, or in any act in amendment thereof, shall be measured from the level of the sidewalk to its highest point.

Height of  
walls to be  
measured  
from sidewalk.  
1872, c. 371, § 3.

6. In all calculations for the strength of materials to be used in any building, the proportion between the safe weight and the breaking weight shall be as one to three, for all beams, girders and other pieces subjected to a cross strain, and as one to six, for all posts, columns and other vertical supports, and for all tie-rods, tie-beams, and

Calculations  
for strength of  
material.  
Ibid. § 3.

1872, c. 371, § 9. other pieces subjected to a tensile strain; and the requisite dimensions of each piece of material are to be ascertained by computation by the rules given by the best authorities, using for constants in the rules only such numbers as have been deduced from experiments on materials of like kind with that proposed to be used.

#### WOODEN BUILDINGS.

Wooden additions.  
1872, c. 260, § 1.

7. No wooden or frame building shall hereafter be built within the said building limits of the city of Boston, except as hereinafter provided, and no wooden addition shall be made to any building within said limits which shall exceed fifteen feet in height from the ground to the highest part thereof, or which shall exceed five hundred superficial feet in area; and not more than one wooden addition shall be allowed to be built to any building within the said building limits.

No wooden building shall be moved from any lot outside of the said limits to any lot within the said limits.

Sheds for storage may be built on wharves.

It shall be lawful to erect wooden or frame sheds, for storage or other purposes, upon wharves within the building limits of the city of Boston, upon the following conditions, namely: — Every such shed shall not exceed twenty-seven feet in height from the level of the wharf to the peak or highest point thereof. It shall be located and constructed in such a manner as the inspector of buildings may direct, and the roof and other external parts thereof shall be covered with non-combustible material, to be approved by said inspector.

City Council may authorize elevators, etc. within limits. Sheds at building sites.

The city council of Boston may authorize the erection, within the building limits, of elevators for grain or coal to a height greater than twenty-seven feet, and of sheds for the storage of lumber and for mechanical purposes. The inspector of buildings may grant the privilege of erecting temporary sheds at building sites for the use of builders.



The city council of the city of Boston shall have control and direction of the building of wooden buildings outside of said limits, but within said city, and may authorize such buildings upon such terms and conditions as they may deem expedient.

1872, c. 260,  
§ 1.  
City Council  
to control  
wooden build-  
ings outside of  
limits.

8. It shall, however, be lawful for the owner, or other party interested, to make any necessary repairs upon any wooden or frame building already built, provided that the height of said building shall not be increased.

Wooden  
buildings may  
be repaired.  
1871, c. 280,  
§ 17.

It shall also be lawful to substitute for a pitch roof, a flat roof covered with metal or other non-combustible material.

Flat roof may  
be substituted  
for pitch.

No building now erected, or hereafter to be erected, shall be altered, raised, roofed, enlarged or otherwise built upon in any manner contrary to the terms of this act.

#### DEFINITION OF TERMS.

9. In the construction of this act, if not inconsistent with the context, the following terms shall have the respective meanings hereinafter assigned to them: —

Definition of  
terms.  
1871, c. 280, § 2.  
1873, c. 333,  
§ 1.

“EXTERNAL WALL” shall apply to every outer wall or vertical enclosure of a building, other than a party wall.

External wall.

“PARTY WALL” shall apply to every wall used, or built, as a separation of any building from any other building, with the view to the same being occupied by different persons.

Party wall.

“FOUNDATION WALL” shall be understood to mean that portion of external walls below the level of the street curb, and for walls not on any street, that portion of the wall below the level of the ground outside of the wall.

Foundation  
wall.

“PARTITION WALL” shall be understood to mean any interior wall of masonry in a building.

Partition wall.

A “TENEMENT HOUSE” shall be taken to mean and include every house, building or portion thereof which is rented, leased, let or hired out to be occupied, or is occupied as the house or residence of more than three families

Tenement  
house.

1871, c. 280,  
§ 2.

living independently of one another, and doing their cooking upon the premises, or by more than two families upon a floor, so living and cooking, but having a common right in the halls, stairways, yards, water-closets or privies, or some of them.

Lodging  
house.

A "LODGING HOUSE" shall be taken to mean and include any house or building, or portion thereof, in which persons are lodged for hire for a single night or for less than a week at one time.

Cellar.

A "CELLAR" shall be taken to mean and include every basement or lower story of any building or house, of which one-half or more of the height from the floor to the ceiling is below the level of the street adjoining.

#### PILES, CELLARS AND DRAINS.

Piles to be of  
suitable stock  
and driven to  
hard-pan.  
1871, c. 280,  
§ 24.

10. Where piles are driven for a foundation, they shall be of suitable stock, and driven to a firm and solid bearing upon "hard-pan,"— to be ascertained by boring.

Piles, tops to  
be cut off, etc.

The tops of the piles shall be cut off on a level below the natural level of the water, as it stands in the ground during the summer months.

Inspector to  
give grade for  
cutting piles.  
Number of  
piles and how  
spaced.

It shall be the duty of the inspector of buildings to give the grades at which piles may be cut off.

Buildings exceeding thirty-five feet in height shall have not less than two rows of piles under all external and party walls, and the piles shall be spaced not over three feet on centres in the direction of the length of the wall.

Drains.  
Ibid. § 32.

11. All buildings hereafter built within the above limits shall have proper brick, iron or tile drains laid with airtight joints, with a proper pitch to the city sewer, and shall be properly entered therein.

Buildings on  
filled land to  
have cellar  
concreted.  
Ibid. § 33.

12. All buildings built upon filled or made land shall have a bed of concrete, made of hydraulic cement and gravel, or tar and gravel, spread over the cellar bottom, or shall be paved with brick laid in cement, throughout the whole extent of the building; and, where there is a base-

Air-space be-

ment floor over the cellar bottom, leaving an air-space

between the concrete and said floor, the air-space shall be ventilated by an opening into a flue in the chimney of the building.

1871, c. 280,  
§ 33.  
tween floor  
and concrete

[See sections 46, 47 and 48 of this digest for special regulations respecting tenement houses, and appendix D for grade of cellars and basements.]

## FOUNDATION, EXTERNAL AND PARTY WALLS.

### DWELLING-HOUSES.

13. For dwelling-houses with walls not exceeding thirty-five feet in height, foundation walls, laid with block stone in horizontal courses, or in brick laid in cement, shall be not less than sixteen inches thick, and external and party walls of brick shall be not less than twelve inches thick for the entire height.

Thickness of  
walls.  
1871, c. 280,  
§ 21.  
1872, c. 371, §  
Walls not ex-  
ceeding 35 feet  
in height.

For dwelling-houses with walls exceeding thirty-five and not exceeding fifty-five feet in height, foundation walls laid with block stone in horizontal courses shall be not less than eighteen inches thick; if of brick, the foundation shall be sixteen inches thick, and laid in cement. External brick walls shall be not less than twelve inches thick; party walls of brick shall be not less than twelve inches thick for the entire height.

Exceeding 35  
and not ex-  
ceeding 55 ft.

For dwelling-houses with walls exceeding fifty-five feet in height, foundation walls, laid with block stone in horizontal courses, or brick laid in cement, shall be not less than twenty inches thick. External and party brick walls shall be not less than twelve inches thick for the entire height.

Exceeding 55  
feet in height

The thickness of foundation walls laid with irregular rubble work shall be one-fourth greater than the thickness given for block stone walls.

Rubble work  
to be one-  
fourth thicker  
than block  
stone.

## BUILDINGS OTHER THAN DWELLING-HOUSES.

Thickness of walls.

1871, c. 280,

§ 22.

1872, c. 260, § 3.

1872, c. 371, § 1.

1873, c. 298, § 1.

Walls not exceeding 35 feet in height.

14. Buildings other than dwelling-houses shall have walls of the following thickness:—

For buildings in which the walls do not exceed thirty-five feet in height, the foundation walls shall be laid of block stone in horizontal courses not less than twenty-four inches thick, the external walls shall not be less than sixteen inches thick to the top of the upper floor, and not less than twelve inches thick for the remaining height.

Exceeding 35 feet in height.

For buildings in which the walls exceed thirty-five feet in height, the foundation walls shall be laid of block stone in horizontal courses not less than twenty-eight inches thick, the external walls not less than twenty inches thick to the top of the third floor, and not less than sixteen inches thick for the remaining height.

Party walls.

All party walls shall be not less than twenty inches thick to the top of the second floor above the street, and not less than sixteen inches thick to the underside of the roof boards, and not less than twelve inches thick for the remaining height.

Thickness of external walls to be increased in certain cases.

In all buildings over twenty-five feet in width, not having either brick partition walls, or girders supported by columns running from front to rear, the external walls shall be increased four inches in thickness for every additional twenty-five feet in the width of said building.

Bottom course to be wider.

The bottom course for all foundation walls resting upon the ground shall be at least twelve inches wider than the thickness above given for the foundation walls.

Piers and buttresses.

The amount of materials above specified for external walls may be used either in piers or buttresses; *provided*, the external walls between said piers or buttresses shall in no case be less than twelve inches thick. If adjoining owners, instead of a party wall, shall each at the same time erect a wall on his own land, such walls may be twelve inches each in thickness, to such height as they shall be contiguous.

15. The external walls of buildings intended to be used for stables or for workshops of a light character may be built of a less thickness than herein before specified; *provided*, that any such building shall not exceed thirty feet in height to its highest point, and forty feet in length or width, and that the said walls shall in no case be less than twelve inches thick.

Stables and workshops, external walls of.  
1872, c. 371, § 4.

16. Vaulted party walls may be used instead of solid walls. They shall be built at least twenty inches thick from the foundation walls to the underside of the roof boarding. Said walls shall be constructed of two outer walls of equal thickness, with an air-space between them of four inches, and tied together perpendicularly with continuous withes of hard-burned brick of good quality, which shall be not more than three feet apart. The air-space shall be smoothly plastered.

Vaulted party walls, thickness of and how constructed.  
Ibid. § 4.

17. Every building hereafter erected, more than thirty feet in width, except churches, theatres, railroad-station buildings, and other public buildings, shall have one or more brick or stone partition walls running from front to rear, and carried up to a height not less than the top of the second story floor joists; said wall or walls may be four inches less in thickness than is called for by the provisions relating to the thickness of walls; these walls shall be so located that the space between any two of the floor-bearing walls of the building shall not be over twenty-five feet.

Partition walls.  
Ibid. § 6.  
1873, c. 298, § 3.

Iron or wooden girders, supported upon iron or wooden columns, or brick piers, may be substituted in place of partition walls, and shall be made of sufficient strength to bear safely the weight which they are intended to support, in addition to the weight of material employed in their construction, and shall have a footing course or leveller for each column not less than three feet six inches square, and one foot six inches thick.

Girders may be substituted for partition wall.

If the girders resting on said columns are entirely of wood, said columns shall not be more than twelve feet apart on the line of the girders.

Hall partitions  
in tenement  
houses.

1873, c. 298, § 6.

In any building hereafter to be erected, to be occupied as a tenement or lodging house, in which the lower part is intended to be used for business or manufacturing purposes of any kind, or which is intended to be occupied by more than four families, the hall partitions from the cellar to the second floor shall be built of brick.

Exterior walls  
faced with  
stone.

1871, c. 280,  
§ 29.

18. Exterior walls, faced with stone, shall have a backing of not less than eight inches of hard brickwork laid in mortar. But in no case shall the thickness of stone and backing, taken together, be less than the thickness required for a brick wall of the same height.

Stone facing to  
be securely  
tied.

The stone facing of a wall shall always be securely tied to the brick backing by means of metal clamps.

Stone cornice  
to balance on  
wall.

In all cases where a wall is finished with a stone cornice, the greatest weight of material of such cornice shall be on the inside of the face of the wall, so that the cornice shall firmly balance upon the wall.

In every brick  
wall every  
ninth course  
shall be a  
heading  
course, except,  
etc.

1872, c. 371, § 5.  
1873, c. 298, § 2.

19. In every brick wall, every ninth course of brick shall be a heading course, except in walls built with some bond in which as much as every ninth course is a heading course, and except where walls are faced with face brick, in which case every ninth course shall be bonded with Flemish header or by cutting the course of the face brick, and putting in diagonal headers behind the same, or by splitting face brick in half, and backing the same by a continuous row of headers.

Walls faced  
with thin ash-  
lar.

In all walls which are faced with thin ashlar, anchored to the backing, or in which the ashlar has not either alternate headers and stretchers in each course, or alternating heading and stretching courses, the backing of brick shall not be less than twelve inches thick, and each stone of said ashlar work shall be securely tied to the backing by one or more suitable metal anchors. All heading courses shall be good, hard, perfect brick.

Heading  
courses.

Backing of  
walls.

The backing in all walls, of whatever material it may be composed, shall be of such thickness as to make all walls, the facing of which is less than four inches thick,

independent of the facing, conform, as to thickness, with the requirements of sections one and two of this act. (Chap. 371, 1872.)

1872, c. 371, § 5.  
1873, c. 298, § 2.

20. It shall not be lawful to erect, construct or build any rear, front, party, division or partition wall, upon wooden girders, rafters or lintels, or to support any such wall by any wooden support whatever; but all such supports shall be of iron, brick or stone, and of sufficient size and strength to support the superstructure.

Walls not to be supported by woodwork. 1872, c. 371, § 7. 1873, c. 298, § 4.

All lintels used to support walls or other weights over openings, shall be of sufficient strength and bearing to carry the superimposed weight, and shall, when supported at the end by brick walls or piers, rest upon an iron plate at least two inches thick, the full size of the bearing.

Lintels to be of sufficient strength, etc., and to rest upon iron plate.

No timber shall be used in any wall of any building, where stone, brick, or iron is commonly used, except arch forms for interior arched openings.

No timber to be used in walls.

21. In no case shall the side, end or party wall of any building be carried up in advance of the rear walls.

Side, end or party walls not to be carried up in advance of rear walls. 1872, c. 371, § 10.

The front, rear, side, end and party walls of any building hereafter to be erected, shall be anchored to each other every ten feet in their height, by tie-anchors, made of at least one and a quarter-inch by three-eighths of an inch wrought iron.

Walls to be anchored to each other.

The said anchors shall be built into the side or party walls not less than thirty-six inches; and into the front and rear walls at least one-half the thickness of the front and rear walls; so as to secure the front and rear walls to the side, end, or party walls.

The side, end or party walls shall be anchored at each tier of beams, at intervals of not more than ten feet apart, with good, strong, wrought-iron anchors, at least one-half inch by one and one-half inch, well built into the side walls, and fastened to the top of the beams; and where the beams are supported by girders, the ends of the beams resting on the girder shall be butted together, end to end,

Walls to be anchored to beams.

Beams supported by girders to be butted together and strapped.

1872, c. 371,  
§ 10.

and strapped by wrought-iron straps or tie-irons, at the same distances apart, and in the same beams as the wall anchors, and shall be well-fastened.

Mortar.

All mortar shall be of the best quality for the purpose for which it is applied.

Party walls to  
be carried up  
above roof  
covering and  
corbelled out.  
1872, c. 371,  
§ 11.

22. All party walls shall be carried up to a height of not less than two and one-half feet above the roof covering, with the full thickness of the party wall, and shall be coped with stone or iron securely fastened. And where there is a flat, hip or pitch roof, the party wall shall be carried up to a height of not less than two and one-half feet above the roof covering, at every part of said roof, and shall be corbelled at least twelve inches, or to the outer edge of all projections on the front or rear walls of the building.

Mansard or  
French roof.

And where the roof is of the kind known as Mansard or French, or of any style excepting as above specified, unless the same is constructed of fire-proof materials throughout, the party wall shall be carried up to a height of not less than two and one-half feet above the flat or upper slope of said roof, and shall extend through the lower slope, at least eighteen inches distant from and parallel with the roof covering, and be corbelled out at least twelve inches, or to the outer edge of all projections, and shall be coped with stone or iron: *provided*, that if a gutter-stone of suitable dimensions and properly balanced shall be inserted, it shall be equivalent to corbelling.

Gutter stone  
may be used.

Recesses and  
openings in  
walls.  
1871, c. 280,  
§ 25.

23. Recesses and openings may be made in external walls, provided the thickness of the backs of such recesses be not less than eight inches, and provided the whole area of all the recesses and openings in any wall do not exceed one-half of the area of said wall.

Doorways in  
party walls.  
Notice to be  
filed with In-  
spector of  
Buildings.  
Size of door-  
way.

Whenever it becomes desirable to cut a doorway through any party wall separating two buildings, a notice of the intention to do so shall be filed with the inspector of buildings.

Any such doorway shall not exceed ten feet in height



by eight feet in width, and shall have top, bottom and sides of stone, brick or iron. 1871, c. 280, § 25.

The said doorway shall be closed by two sets of wrought-iron or metal-covered doors, hung to rebated iron frames, and separated by the thickness of the wall. Doors to be iron or metal-covered.  
And whenever such doorway ceases to be used, it shall be immediately filled up with masonry.

No continuous vertical recess of more than four inches in depth shall be made in any twelve-inch party wall, and no recess of any kind shall be made in any eight-inch party wall. No continuous vertical recess to exceed four inches in depth.

#### PIERS, COLUMNS, ETC.

24. All piers shall be built of good, hard, well-burnt brick, and laid in clear cement, and all bricks used in piers shall be of the hardest quality, and be well wet when laid. Piers to be of good hard brick, and laid in clear cement. 1872, c. 371, § 8. 1873, c. 298, § 5.

Isolated brick piers under all lintels, girders, iron or other columns shall have a cap-iron at least two inches thick, or a granite cap-stone at least twelve inches thick, the full size of the pier.

In the case of an external brick pier, the plate may be reduced sufficiently in size to allow four inches of brick work to intervene between the edge or edges of the plate, and the face or faces of the pier exposed to the weather. Isolated piers to have cap iron.

Columns supported by brick walls or piers shall rest upon an iron plate at least two inches thick, or upon a granite capstone at least twelve inches thick, of a size satisfactory to the inspector of buildings. Columns to rest upon iron plate or granite capstone.

Under iron columns shall in all cases be an iron plate of not less than one and one-half inches in thickness.

25. Piers or columns supporting walls of masonry shall have for a footing course a broad leveller, or levellers, of block stone not less than sixteen inches thick, and with a bearing surface equal in area to the square of the width of the footing course, plus one foot required for a wall of the same thickness and extent as that borne by the pier or column. Footing course for piers or columns supporting walls. 1871, c. 280, § 23.

1871, c. 280,  
§ 23.  
Pile founda-  
tion for piers  
and columns.

And if the foundation of such piers or columns rests upon piles, a sufficient number shall be driven to insure a proper support.

#### FLOOR-BEAMS, PARTITIONS, ETC.

Floor beams  
not to be  
wholly sup-  
ported upon  
wooden par-  
titions.

1872, c. 371, § 7.  
1873, c. 298, § 3.  
Trimmers and  
headers to be  
hung in stir-  
rup irons.

Ends of floor-  
beams and  
rafters to be  
splayed.

Main parti-  
tions support-  
ing the floor  
to be placed  
over each  
other.

Brickwork be-  
tween roof  
and floor tim-  
bers.  
1872, c. 371,  
§ 11.

26. No floor-beams shall be supported wholly upon any wood partition, but every beam (except headers and tail-beams) shall rest, at one end, not less than four inches in the wall, or upon a girder, as authorized by this act. And every trimmer or header more than four feet long, used in any building except a dwelling, shall be hung in stirrup irons, of suitable thickness for the size of the timbers.

The butts or ends of all floor-beams and rafters entering a brick wall shall be cut on a splay of three inches in their width.

All main partitions supporting in any manner the floor-beams or rafters shall be placed directly over each other, and shall rest on a wall, girder or hard-pine capping, and shall head and foot against each other as far as practicable.

27. All roof or floor timbers, entering the same party wall from opposite sides, shall have at least four inches solid brickwork between the ends of said timbers.

#### ROOFS, ROOFING MATERIALS, ETC.

Roofing ma-  
terials.  
1871, c. 280,  
§ 30.  
All buidings  
to have scut-  
tles.

No roof to be  
more than one  
story in  
height.  
1872, c. 371,  
§ 19.

28. All buildings hereafter built shall be roofed with slate, tin, or other non-combustible roofing material; and all buildings shall have a scuttle not less than two by three feet, with a permanent step-ladder or flight of stairs thereto.

29. No Mansard or other roof shall be constructed more than one story in height, nor more than twenty feet in height from the upper floor of the building upon which it is placed to the highest part of said roof, unless the same is constructed of fire-proof material throughout.

No bay window shall be constructed of wood, which shall extend more than three feet above the second story from the street.

All the exterior parts of any building or buildings hereafter erected which are more than forty-five feet above the level of the sidewalk, shall be made of or covered with non-combustible material, to be approved by the inspector of buildings.

All fire-proof cornices shall be well secured to the walls with iron anchors, independent of any woodwork; and in all cases the walls shall be carried up to the planking of the roof, and where the cornice projects above the roof, the wall shall be carried up to the top of the cornices, and all exterior wooden cornices that shall hereafter require to be replaced shall be constructed of some non-combustible material, as required for new buildings; and all exterior wooden cornices or gutters that may hereafter be damaged by fire shall be taken down, and if replaced shall be constructed of fire-proof material.

All buildings hereafter erected shall be kept provided with proper metallic leaders for conducting the water from the roof to the ground, sewer or street gutter, in such manner as shall protect the walls and foundations from damage; and in no case shall the water from the said leaders be allowed to flow upon the sidewalk, but shall be conducted by drain pipe or pipes, to the street gutter or sewer.

30. All buildings hereafter erected or increased in height, except churches and grain-elevators, shall not exceed a height greater than eighty feet to the highest point from the level of the sidewalk, exclusive of chimneys and party walls above the roof; *provided, however*, that an additional height may be added, if said addition shall be constructed in a fire-proof manner, as herein named, to wit: All joists, beams, rafters, purlines, jack-rafters, plates, studs, ties and arches shall be made of cast or wrought iron, or some other metal, stone, brick, cement,

1872, c. 371,  
§ 19.

Bay windows  
made of wood.

Exterior walls  
of buildings  
more than 45  
feet above  
sidewalk, to  
be of non-  
combustible  
materials.  
Fire-proof  
cornices.

Metallic lead-  
ers for con-  
ducting water  
from roof to  
the ground.

Water not to  
be allowed to  
flow upon  
sidewalk.

Regulations  
respecting fire-  
proof roofs.  
1873, c. 298, § 9.

1873, c. 298, § 9. mortar, or other incombustible material, and covered with corrugated iron, sheet or cast iron, tin, copper, zinc, or other metal, or slate, stone, brick, cement, mortar, or other incombustible material. All structures or projections above or outside of the roof, such as domes, cupolas, pavilions, towers, spires, pinnacles, buttresses, lanterns, louvres, luthern or dormer windows, sky-lights, scuttles, ventilators, cornices and gutters, shall be made, constructed, framed and covered with cast or wrought iron, tin, copper, zinc, or other metal or stone, slate, brick, cement or mortar, or other incombustible material.

Scuttle-frames and covers, in all buildings in Boston, to be fire-proof. 1872, c. 371, § 15.

Scuttles to have stationary ladders. Bulkhead to have stairs. Doors to bulkhead or scuttle, in tenement houses, not to be locked.

31. All buildings in the city of Boston, hereafter to be built, shall have scuttle-frames and covers, or bulkheads and doors on the roof, made of or covered with some fire-proof material, and all scuttles shall have stationary ladders leading to the same, and all such scuttles or ladders shall be kept so as to be ready for use at all times, and all scuttles shall not be less in size than two by three feet; and if a bulkhead is used or substituted in any building in place of a scuttle, it shall have stairs with a sufficient guard or hand-rail leading to the roof; and in case the building shall be a tenement house, the door in the bulkhead, or any scuttle, shall at no time be locked, but may be fastened on the inside by movable bolts or hooks.

#### CHIMNEYS, FLUES, AND HEATING APPARATUS.

Chimneys, material of. 1871, c. 280, § 31.

Flues to be plastered. Brick flues to be hung to walls.

Chimneys not to rest upon floorings.

32. All chimneys shall be built of brick, stone or other fire-proof non-conducting material. All brick flues shall be smoothly plastered inside with mortar from top to bottom and outside below the roofing.

Brick flues, not starting from the foundation walls, shall be securely built into the brickwork of the walls to which they are hung. In no case shall chimneys rest upon any flooring without a footing of masonry or iron supported by iron beams, having a secure bearing on masonry or iron at either end.

All flues shall be topped out at least four feet above the roof of the building to which they belong. The brick topping out of chimneys shall not have more than two inches projection, unless covered by a cap of metal or stone properly secured.

1871, c. 280,  
§ 31.  
Flues to be topped out 4 ft. above roof.

Hearths of fire-places or grates shall be laid upon brick or other trimmer arches, or upon bars of iron supporting a bed of brickwork.

Hearths, how laid.

No woodwork of any kind shall be placed at a less distance than one inch from the outside brickwork of any flue. In no case shall a nail be driven into the masonry of any flue.

No woodwork to be placed within one inch of flues. Nails not to be driven into flues.

33. No smoke-pipe in any building with wooden or combustible floors or ceilings, shall hereafter enter any flue unless the said pipe where it enters the flue shall be at least twelve inches from either the floors or ceilings; and in all cases where smoke-pipes pass through stud or wooden partitions of any kind, whether the same be plastered or not, they shall be guarded by a soapstone ring, not less than four inches in thickness, and extend through the partition.

Regulations concerning smoke-pipes. 1872, c. 371, § 16. 1873, c. 298, § 7.

In all cases where hot-water, steam, hot-air or other furnaces are used, the furnace smoke-pipe must be kept at least two feet below the beams or ceiling above the same, unless said beams or ceiling shall be properly protected by a shield or tin plate suspended at least one inch below said beams or ceiling above said smoke-pipe; and the top of all furnaces set in brick must be covered with brick, supported by iron bars, and so constructed as to be perfectly tight; said covering to be in addition to and not less than six inches from the ordinary covering to the hot-air-chamber.

If, however, there is not height enough to build the furnace-top at least four inches below the floor-beams or ceilings, then the floor-beams must be trimmed around the furnace, and said covering and the trimmers and headers must be at least four inches from the same.

1872, c. 371,  
§ 16.  
1873, c. 298, § 7.  
Portable furnaces to have shield.

The top of every portable furnace not set in brick shall be kept at least one foot below the beams or ceiling with a shield of tin plate, made tight, and suspended not less than one inch below the said beams or ceilings, and extended one foot beyond the top of the furnace on all sides. All hot-air registers hereafter placed in the floor of any building shall be set in soapstone borders not less than two inches in width.

All soapstone borders to be firmly set in plaster of Paris or gauged mortar.

Registers to be set in soapstone borders.

All floor register boxes to be made of tin plate, with a flange on the top to fit the groove in the soapstone, the register to rest upon the same.

Open space around register boxes.

There shall also be an open space of one inch on all sides of the register box, extending from the underside of the ceiling, below the register, to the soapstone in the floor; the outside of said space to be covered with a casing of tin plate, made tight on all sides, to extend from the underside of the aforesaid ceiling up to and turn under the said soapstone. Registers of fifteen by twenty-five inches or more, shall have a space of two inches.

No woodwork to be placed within one inch of hot-air pipes, unless protected,

No woodwork shall be placed at a less distance than one inch from any tin or other metal flue or flues, pipe or pipes, used or intended to be used to convey heated air in any building, unless protected by a soapstone or earthen ring or tube, or a metal casing so constructed as to permit free circulation of air around said pipes or flues.

Notice of intention to place furnaces in buildings, to be given to Inspector of Buildings.

In all cases where hot-water, steam, hot-air or other furnaces or ranges, are hereafter placed, or their location changed, in any building, due notice shall first be given to the inspector of buildings, by the person or persons placing said furnace or ranges in said building.

Flues of ranges or boilers to be plastered directly upon the bricks.

In all cases where ranges or boilers are set, the outside of the flue to the same shall be plastered on the outside directly upon the bricks, up to the ceiling of the room, and no woodwork shall be placed on the outside thereof.

34. If any chimney, flue or heating apparatus on any premises in the city of Boston, shall in the opinion of the inspector of buildings be dangerous or unsafe by reason of endangering the premises by fire or otherwise, the inspector shall at once notify in writing the owner, agent or other party having an interest in said premises, and shall require him to make the same safe; and upon neglect of said person so notified to comply with the provisions of said notice, for a period of twenty-four hours after the service of said notice upon him, he shall at once become liable to a penalty of not less than twenty nor more than fifty dollars for every day's continuance of said unsafe structure.

Owner of building in Boston to be notified by inspector if chimney, etc., is unsafe. 1872, c. 371, § 17. Penalty for refusal to make safe.

#### BOILER ROOMS.

35. All boiler rooms hereafter constructed in any building other than dwelling-houses, shall be constructed of brick and iron, and shall be so arranged that all openings between the said boiler room, and other parts of the building in which it is placed, shall be closed by iron or metal-covered doors, which shall be securely closed at the close of each day.

Boiler-rooms and engine-room. 1872, c. 371, § 18. 1873, c. 298, § 8.

All flues for ranges, boilers, furnaces and ovens, shall be of brickwork, eight inches in thickness, to a height of twenty-five feet above such ranges, boilers, furnaces or ovens.

Flues to be 8 inches thick.

#### FIRE-PROOF DOORS, SHUTTERS, ETC.

36. All stores or storehouses that may hereafter be built in said city, which are more than forty-five feet in height above the curb level, shall have doors, blinds or shutters made of fire-proof metal, on every window and entrance where the same do not open on a street.

Fire-proof doors, blinds, and shutters. 1872, c. 371, § 12.

When in any such building the shutters, blinds or doors cannot be put on the outside of such door or window, they shall be put on the inside, and if placed on the inside shall be hung upon an iron frame independent of the

How hung.

1872, c. 371,  
§ 12.  
Shutters to be  
closed at close  
of business for  
the day.

woodwork of the window-frame or door; and every such door, blind or shutter shall be closed upon the completion of the business of each day by the occupant having the use or control of the same; and all fire-proof shutters or blinds, that now are or may hereafter be put upon the front or sides of any building on the street fronts, must be so constructed that they can be closed and opened from the outside above the first story.

#### FIRE-ESCAPES.

Fire-escapes  
to be provided  
in buildings  
where opera-  
tives are em-  
ployed.  
Ibid. § 14.

37. Any building already erected, or that may hereafter be erected, in which operatives are employed in any of the stories above the second story, shall be provided with such fire-escapes as shall be directed and approved by the inspector of buildings. And the owner or owners of any building upon which any fire-escapes may now be, or may hereafter be erected, shall keep the same in good repair and well painted. And no person shall at any time place any incumbrance of any kind whatever upon any of said fire-escapes now erected, or that may hereafter be erected in said city.

[See also sections 69, 70 and 71 of this digest.]

#### HOISTWAYS.

Hoistways,  
elevators and  
well-holes to  
be protected.  
1872, c. 260, § 5.

38. In any store or building in Boston, in which there shall exist or be placed any hoistway, elevator or well-hole, the openings thereof through and upon each floor of the said building shall be provided with and protected by a good and substantial railing, and such good and sufficient trap-doors with which to close the same, as may be directed and approved by the inspector of buildings; and such trap-doors shall be kept closed at all times except when in actual use by the occupant or occupants of the building having the use and control of the same.

For any neglect or violation of the provisions of this section, a penalty not exceeding one hundred dollars for each and every offence may be imposed upon the owner, lessee or occupant of said building.



## PLACES OF AMUSEMENT.

39. From and after the passage of this act, it shall not be lawful for the owners or lessees of any public hall or place of amusement in the city of Boston to obstruct, or to allow to be obstructed by others, any of the aisles or passageways in the auditorium of said halls or places of amusement, by placing therein any benches, chairs, stools or other articles that may prevent free egress during the hours that said places may be open to the public.

No obstructions to be placed in aisles of theatres, etc. 1871, c. 230, § 60.

And the said owners, lessees or their agents are hereby required to keep open all doors giving access to such places of amusement when used by the public, unless such doors open outwards, and except that fly-doors, opening both ways, may be kept closed.

To have fly doors.

For any neglect or violation of the above provisions of this act, a penalty of one hundred dollars shall be imposed upon the owner, lessee or other occupant of said places of amusement.

Penalty for neglect.

## COMBUSTIBLE MATERIALS.

40. No building situated or hereafter erected within the building limits of the city of Boston, occupied in part or in whole as a dwelling, shall have any hay, straw, hemp, flax, shavings, burning fluid, turpentine, camphene, or any inflammable oil, or any other combustible material stored therein, or kept on sale, except in such quantities as shall be provided for by law or by a city ordinance.

Buildings occupied as dwellings not to have combustible materials stored therein. Ibid. § 61.

## TENEMENT OR LODGING HOUSES.

41. No house, building, or portion thereof, in the city of Boston, used, occupied, leased or rented for a tenement or lodging house, shall continue to be so used, occupied, leased or rented, unless the same, on the requisition of the Board of Health, shall conform in its construction and appurtenances to the provisions of this act.

Houses to conform to rules. 1871, c. 230, § 34.

1871, c. 280,  
§ 34.  
Inspector of  
Buildings to  
see that requi-  
sitions of  
Board of  
Health are  
carried out.  
Plans to be  
approved by  
Inspector.

Right of own-  
er or architect  
to appeal, if  
plans are not  
approved.

Exterior wall,  
heights, etc.  
Ibid. § 35.

To be ventil-  
ated.  
Ibid. § 36.

Ventilator in  
roof.

To have fire-  
escape.  
Ibid. § 37.

Roofs to be  
kept in repair.  
Ibid. § 38

And the inspector of buildings shall see that the requisitions of the Board of Health in regard to the repair and alterations of tenement or lodging houses are properly carried out; and shall approve all plans for the construction of new tenement or lodging houses.

If in any case the inspector shall see fit to prohibit the erection of the building according to the plan, the owner or architect shall have the right of appeal, as provided in section nineteen (of chapter two hundred and eighty, 1871).

42. The exterior walls of all tenement or lodging houses hereafter erected shall be of brick or stone; and those hereafter erected on streets not more than twenty feet in width shall not exceed thirty feet in height.

43. Every house, building, or portion thereof, in the city of Boston, designed to be used, occupied, leased or rented, or which is used, occupied, leased or rented for a tenement or lodging house, shall have in every room which is occupied as a sleeping-room, and which does not communicate directly with the external air, a ventilating or transom window, having an opening or area of three square feet over the door leading into and connected with the adjoining room, if such adjoining room communicates with the external air; and also a ventilating or transom window, of the same opening or area, communicating with the entry or hall of the house, or where this is, from the relative situation of the rooms, impracticable, such last-mentioned ventilating or transom window shall communicate with an adjoining room that itself communicates with the entry or hall.

Every such house or building shall have in the roof, at the top of the hall, an adequate and proper ventilator, of a form approved by the inspector of buildings.

44. Every such house shall be provided with a proper fire-escape, or means of escape in case of fire, to be approved by the inspector of buildings.

45. The roof of every such house shall be kept in good repair and so as not to leak, and all rain-water shall be so

drained or conveyed therefrom as to prevent its dripping on ground or causing dampness in the walls, yard or area. 1871, c. 230, § 38.

All stairs shall be provided with proper balusters or railings, and shall be kept in good repair. Stairs to be kept in repair.

46. Every such building shall be provided with good and sufficient water-closets, earth-closets or privies, of a construction approved by the inspector of buildings, and shall have proper doors, traps, soil-pans and other suitable works and arrangements, so far as may be necessary to insure the efficient operation thereof. Water-closets, earth-closets and privies. Ibid. § 39.

Such water-closets or privies shall not be less in number than one to every twenty occupants of said house; but water-closets and privies may be used in common by the occupants of any two or more houses; *provided*, the access is convenient and direct; and *provided*, the number of occupants in the houses for which they are provided shall not exceed the proportion above required for every privy or water-closet. Provisos.

Every such house situated upon a lot on a street in which there is a sewer, shall have the water-closets or privies furnished with a proper connection with the sewer, which connection shall be in all its parts adequate for the purpose, so as to permit entirely and freely to pass whatever enters the same. Such connection with the sewer shall be of a form approved by the inspector of buildings, and all such water-closets and vaults shall be provided with the proper traps, and connected with the house-sewer by a proper tight pipe, and shall be provided with sufficient water and other proper means of flushing the same; and every owner, lessee and occupant shall take due measures to prevent improper substances from entering such water-closets or privies or their connections, and to secure the prompt removal of any improper substances that may enter them, so that no accumulation shall take place, and so as to prevent any exhalations therefrom, offensive, dangerous or prejudicial to life or health, and so as to prevent the same from being or becoming obstructed. To be connected with sewer. To have traps. Owner to prevent improper substances from entering water-closets.

1871, c. 280,  
§ 30,  
Cesspools.

No cesspool shall be allowed in or under or connected with any such house, except when it is unavoidable, and in such case it shall be constructed in such situation and in such manner as the inspector of buildings may direct.

It shall in all cases be water-tight, and arched or securely covered over, and no offensive smell or gases shall be allowed to escape therefrom, or from any privy or privy vault.

Yard or area  
to be connect-  
ed with sewer.

In all cases where a sewer exists in the street upon which the house or building stands, the yard or area shall be so connected with the same that all water, from the roof or otherwise, and all liquid filth, shall pass freely into it. Where no sewer exists in the street, the yard or area shall be so graded that all water, from the roof or otherwise, and all filth, shall flow freely from it, and all parts of it, into the street gutter, by a passage beneath the sidewalk, which shall be covered by a permanent cover, but so arranged as to permit access to remove obstructions or impurities.

Cellars not to  
be occupied as  
dwellings  
without per-  
mit.  
Ibid. § 40.

47. From and after the passage of this act it shall not be lawful, without a permit from the Board of Health or superintendent of health, to let or occupy, or suffer to be occupied separately as a dwelling, any vault, cellar or underground room, built or rebuilt after said date, or which shall not have been so let or occupied before said date.

Regulations  
concerning  
cellars when  
occupied as  
dwellings.

And it shall not be lawful, without such permit, to let or continue to be let, or to occupy, or suffer to be occupied, separately as a dwelling; any vault, cellar or underground room whatsoever, unless the same be in every part thereof at least seven feet in height, measured from the floor to the ceiling thereof, nor unless the same be for at least one foot of its height above the surface of the street or ground adjoining, or nearest to the same, nor unless there be outside of and adjoining the said vault, cellar or room, and extending along the entire frontage thereof, and upwards from six inches below the level of the floor

thereof, up to the surface of the said street or ground, an open space of at least two feet and six inches wide in every part, nor unless the same be well and effectually drained by means of a drain, the uppermost part of which is one foot at least below the level of the floor of such vault, cellar or room, nor unless there is a clear space of not less than one foot below the level of the floor, except where the same is cemented, nor unless there be appurtenant to such vault, cellar or room, the use of a water-closet or privy, kept and provided as in this act required, nor unless the same have an external window-opening of at least nine superficial feet clear of the sash frame, in which window-opening there shall be fitted a frame filled in with glazed sashes, at least four and a half superficial feet of which shall be made so as to open for the purpose of ventilation; *provided, however*, that in case of an inner, or back vault, cellar or room, let or occupied along with a front vault, cellar or room, as a part of the same letting or occupation, it shall be a sufficient compliance with the provisions of this act, if the front room is provided with a window as herein before provided, and if the said back vault, cellar or room is connected with the front vault, cellar or room by a door, and also by a proper ventilating or transom window, and, where practicable, also connected by a proper ventilating or transom window, or by some hall or passage, or with the external air; *provided always*, that in any area adjoining a vault, cellar or underground room, there may be steps necessary for access to such vault, cellar or room, if the same be so placed as not to be over, across or opposite to said external window and so as to allow between every part of such steps and the external wall of such vault, cellar or room, a clear space of six inches at least, and if the rise of said steps is open; and *provided, further*, that over or across any such area there may be steps necessary for access to any building above the vault, cellar or room, to which such area adjoins, if the same be so placed as not to be over, across or opposite to any such external window.

1871, c. 280,  
§ 40.

Provisos.

Cellars not to be occupied for lodging, etc., without permit from Board of Health. 1871, c. 280, § 4L.  
House offal. Ibid. § 42.

48. From and after the passage of this act, no vault, cellar or underground room, in any tenement or lodging-house, shall be occupied as a place of lodging or sleeping, except the same shall be approved in writing, and a permit given therefor by the Board of Health or superintendent.

49. Every tenement or lodging house shall have the proper and suitable conveniences or receptacles for receiving garbage and other refuse matters.

Combustible article not to be stored.

No tenement or lodging house, or any portion thereof, shall be used as a place of storage for any combustible article, or any article dangerous to life or detrimental to health; nor shall any horse, cow, calf, swine, pig, sheep or goat be kept in said house.

Animals not to be kept.

To be kept clean. Ibid. § 43.

50. Every tenement or lodging house, and every part thereof, shall be kept clean and free from any accumulation of dirt, filth, garbage or other matter in or on the same, or in the yard, court, passage, area or alley connected with or belonging to, the same.

Owner to clean whenever required.

The owner or keeper of any lodging house, and the owner or lessee of any tenement house, or part thereof, shall thoroughly cleanse all the rooms, passages, stairs, floors, windows, doors, walls, ceilings, privies, cesspools and drains thereof of the house, or part of the house, of which he is the owner or lessee, to the satisfaction of the Board of Health, so often as shall be required by or in accordance with, any regulation or ordinance of said city, and shall well and sufficiently, to the satisfaction of said board, whitewash the walls and ceilings thereof twice at least every year, in the months of April and October, unless the said board shall otherwise direct. Every tenement or lodging house shall have legibly posted or painted on the wall or door in the entry, or some public accessible place, the name and address of the owner or owners and of the agent or agents, or any one having charge of the renting and collecting of the rents for the same; and service of any papers required by this act, or by any pro-

Walls and ceilings to be whitewashed twice a year.

Owner or agent's name to be posted.

ceedings to enforce any of its provisions, or of the acts relating to the Board of Health, shall be sufficient, if made upon the person or persons so designated as owner or owners, agent or agents. 1871, c. 280, § 43.

51. The keeper of any lodging house, and the owner, agent of the owner, lessee and occupant of any tenement house, and every other person having the care or management thereof, shall, at all times, when required by any officer of the Board of Health, or by any officer upon whom any duty or authority is conferred by this act, give him free access to such house and to every part thereof. Officers to have free access to houses. Ibid. § 44.

The owner or keeper of any lodging house, and the owner, agent of the owner, and the lessee of any tenement house, or part thereof, shall, whenever any person in such house is sick of fever, or of any infectious, pestilential or contagious disease, and such sickness is known to such owner, keeper, agent or lessee, give immediate notice thereof to the Board of Health, or to some officer of the same, and thereupon said board shall cause the same to be inspected, and may, if found necessary, cause the same to be immediately cleansed or disinfected at the expense of the owner, in such manner as they may deem necessary and effectual; and they may also cause the blankets, bedding and bed-clothes used by any such sick person to be thoroughly cleansed, scoured and fumigated, and in extreme cases to be destroyed. Infectious diseases. May be cleansed and disinfected at owner's expense.

52. Whenever it shall be certified to the Board of Health by the superintendent, that any building, or part thereof, is unfit for human habitation, by reason of its being so infected with disease as to be likely to cause sickness among the occupants, or by reason of its want of repair has become dangerous to life, said board may issue an order, and cause the same to be affixed conspicuously on the building, or part thereof, and to be personally served upon the owner, agent or lessee, if the same can be found in this state, requiring all persons therein to vacate such building for the reasons to be stated therein as aforesaid. Buildings unfit for habitation may be vacated. Ibid. § 45.

1871, c. 280.  
§ 45.

Such building, or part thereof, shall, within ten days thereafter, be vacated; or within such shorter time, not less than twenty-four hours, as in said notice may be specified; but said board, if it shall become satisfied that the danger from said house, or part thereof, has ceased to exist, may revoke said order, and it shall thenceforward become inoperative.

Additional  
provisions.  
Ibid. § 46.

53. No house hereafter erected shall be used as a tenement house or lodging house, and no house heretofore erected, and not now used for such purpose, shall be converted into, used or leased for a tenement or lodging house, unless, in addition to the requirements hereinbefore contained, it conforms to the requirements contained in the following sections.

Light and air  
to be secured.  
Ibid. § 47.

54. It shall not be lawful hereafter to erect for, or convert to the purposes of a tenement or lodging house, a building on the front of any lot where there is another building on the rear of the same lot, unless there is a clear, open space, exclusively belonging to the front building and extending upwards from the ground, of at least ten feet between said buildings, if they are one story high above the level of the ground; if they are two stories high, the distance between them shall not be less than fifteen feet; if they are three stories high, the distance between them shall be twenty feet; and if they are more than three stories high, the distance between them shall be twenty-five feet.

At the rear of every building hereafter erected for, or converted to, the purposes of a tenement or lodging house on the back part of any lot, there shall be a clear, open space of ten feet between it and any other building.

Inspector of  
Buildings may  
modify provisions.

But when thorough ventilation of such open spaces can be otherwise secured, said distances may be lessened or modified in special cases, by a permit from the inspector of buildings.

Height of  
rooms.  
Ibid. § 48.

55. In every such house hereafter erected or converted, every habitable room, except rooms in the attic, shall be



in every part not less than eight feet in height from the floor to the ceiling; and every habitable room in the attic of any such building shall be at least eight feet in height from the floor to the ceiling, throughout not less than one-half the area of such room. Every such room shall have at least one window connecting with the external air, or over the door a suitable ventilator, connecting it with a room or hall which has a connection with the external air.

1871, c. 250,  
§48.

Construction  
of windows.

The total area of window in every room communicating with the external air shall be equal to at least one-tenth of the superficial area of every such room; and the top of one at least of such windows shall not be less than seven feet and six inches above the floor, and the upper half of each window shall be so made as to open for the purposes of ventilation.

Every habitable room of a less area than one hundred superficial feet, if it does not communicate directly with the external air, and is without an open fireplace, shall be provided with special means of ventilation by a separate air-shaft extending to the roof, or otherwise, as the inspector of buildings may prescribe.

Inspector of  
Buildings may  
order special  
means of ven-  
tilation.

56. Every such house hereafter erected or converted, shall have adequate chimneys running through every floor, with an open fireplace or grate, or place for a stove, properly connected with one of said chimneys, for every family and set of apartments.

Chimneys.  
Ibid. § 49.

It shall have proper conveniences and receptacles for ashes and rubbish; it shall have water furnished at one or more places in such house, or in the yard thereof, so that the same may be adequate and reasonably convenient for the use of the occupants thereof.

Receptacles  
for ashes, etc.  
Water to be  
furnished.

It shall have the floor of the cellar properly cemented, so as to be water-tight.

Cellar to be  
cemented.

The halls on each floor shall open directly to the external air, with suitable windows, and shall have no room or other obstruction at the end, unless sufficient light or

Halls.

1871, c. 280,  
§ 49.

ventilation is otherwise provided for said halls, in a manner approved by the inspector of buildings.

Board of  
Health may  
make other  
rules.

57. The Board of Health shall have authority to make other regulations as to cellars and the ventilation of tenement houses.

1872, c. 260, § 4.  
Municipal  
Court to have  
concurrent  
jurisdiction.

The municipal court of the city of Boston, the municipal court of the Dorchester district, and the municipal court of the southern district, shall have jurisdiction concurrent with the superior court of all offences against sections forty, forty-one, forty-two, forty-three, forty-four and forty-five of chapter two hundred and eighty of the acts of the year eighteen hundred and seventy-one, and every person violating any of these sections shall be guilty of a misdemeanor punishable by a fine not exceeding three hundred dollars, or by imprisonment not exceeding sixty days.

Penalty.

Board of  
Health to  
make com-  
plaints.

All complaints of violations of sections forty, forty-one, forty-two, forty-three, forty-four and forty-five of this act [Chap. 280, 1871] shall be made only by authority of the Board of Health.

#### UNSAFE BUILDINGS.

[See also G. S., c. 87, §§ 1 to 5.]

Inspector  
of Buildings to  
examine and  
notify owner.  
1873, c. 298,  
§ 11.

58. If any building or parts of a building, staging or other structure, or anything attached to or connected with any building, or other structure in the city of Boston, shall from any cause be reported dangerous or unsafe, so as to endanger life and limb, it shall be the duty of the inspector of buildings to inspect such structure, and if, in his opinion, the same be dangerous, he shall immediately notify the owner, agent, or other party having an interest in said structure, to cause the same to be made safe and secure, or removed, as may be necessary.

Owner to  
make safe.  
Ibid. § 12.

59. The person or persons so notified shall be allowed until twelve o'clock noon of the day following the service of such notice, in which to commence the securing or removal of the same; and he or they shall employ sufficient

labor to remove or secure the same as expeditiously as can be done: *provided, however*, that in cases where the public safety requires immediate action, the inspector of buildings may enter upon the premises with such workmen and assistants as may be necessary, and cause the said unsafe structure to be shored up, taken down, or otherwise secured, without delay, and a proper fence or boarding to be put up for the protection of passers-by.

1873, c. 298,  
§ 12.  
Inspector may  
secure in ur-  
gent cases.

60. If the owner, agent, or other party interested in said unsafe structure, having been notified, shall refuse or neglect to comply with the requirements of said notice within the time specified in section 10, then a careful survey of the premises named in said notice shall be made by three disinterested persons, one to be appointed by the inspector of buildings, one by the owner or other interested party, and the third chosen by these two, and the report of such survey shall be reduced to writing, and a copy served upon the owner or other interested party; and if said owner or other interested party refuse or neglect to appoint a member of said board of survey, then the survey shall be made by the city engineer and the chief engineer of the fire department of Boston, and in case of disagreement they shall choose a third person.

Survey may be  
held.  
Ibid. § 13.

Board of sur-  
vey.

61. Whenever the report of any such survey, had as aforesaid, shall declare the structure to be unsafe or dangerous to life or limb, the inspector of buildings shall, upon continued refusal or neglect of the owner or other interested party cause such unsafe or dangerous structure to be taken down or otherwise made safe; and the costs and charges shall become a lien upon said estate, to be collected according to law, but without prejudice to the right which the owner thereof may have to recover the same from any lessee or other person liable for the expense of repairs: *provided*, that nothing herein contained shall authorize the recovery by the lessor of the lessee of the cost of any charges which may have been rendered necessary through the default or negligence of the lessor,

Inspector may  
secure in case  
of refusal or  
neglect of  
owner.  
Ibid. § 14.

1873, c. 298,  
§ 14.

Liability for  
refusal to  
make safe.  
Ibid. § 15.

Remedy for  
parties ag-  
grieved.  
Ibid. § 16.

Jury may af-  
firm or annul  
order of In-  
spector.  
Ibid. § 17.

Costs.  
Ibid. § 18.

Proviso.  
Ibid. § 19.

or through want of repair or defects existing in said premises at the commencement of the lease.

62. Upon the citation of any structure as unsafe or dangerous, by the inspector of buildings, if the owner or other interested party, being notified thereof in writing, shall refuse or neglect to cause the said structure to be taken down or otherwise made safe, said owner or other interested party shall forfeit to the use of said city, for every day's continuance of said refusal or neglect, a sum not less than ten nor more than fifty dollars; said sum to be recoverable as debts are now by law recoverable.

63. Any owner or other interested person aggrieved by any such order may, within three days after the service thereof upon him, apply for a jury to the superior court, if sitting in the county, or to any justice thereof in vacation. The court or justice shall issue a warrant for a jury to be empanelled by the sheriff within fourteen days from the date of the warrant, in the manner provided in chapter forty-three of the General Statutes relating to highways.

64. The jury may affirm, annul, or alter such order, and the sheriff shall return the verdict to the next term of the court for acceptance, and being accepted, it shall take effect as an original order.

65. If the order is affirmed, costs shall be taxed against the applicant; if it is annulled, the applicant shall recover damages and costs against the city; if it is altered in part, the court may render such judgment as to costs as justice may require.

66. Nothing contained in the three preceding sections shall be construed to bar the right of the city to recover the penalty enacted in section thirteen, for the continuance of the refusal or neglect of the owner or owners, or other interested party or parties, to cause the structure in question to be taken down or otherwise made safe, unless the order is annulled by the jury; but in default of such annulment, the city shall have the right to recover said

penalty from the day of the original notice as enacted in said section. 1873, c. 293,  
§ 19.

67. In case the building or structure cited as unsafe or dangerous shall be in process of erection, alteration or repair, it shall be lawful for the supreme judicial court, or any justice thereof, either in term-time or vacation, to issue forthwith an injunction restraining further progress in the work on said building until the facts of the case shall have been investigated and determined as herein provided. S. J. C. may  
issue injunction.  
Ibid. § 20.

68. If any building in the city of Boston shall appear upon examination by the inspector of buildings to be specially dangerous to life or limb to members of the fire department or to citizens in case of fire, by reason of insufficient thickness of walls, overloaded floors, defective construction, or other causes, such building shall be held and taken to be dangerous within the meaning of and subject to all the provisions of this act; and the inspector of buildings, besides proceeding as herein before provided, may affix a notice of the dangerous character of the structure to a conspicuous place on the exterior wall of said building. Buildings un-  
safe in case of  
fire subject to  
provisions of  
act.  
Ibid. § 21.  
  
Inspector may  
affix notice.

Any person or persons removing such notice, so affixed, shall be liable to a penalty of not less than ten nor more than fifty dollars for each and every offence. Penalty for re-  
moving  
notice.

69. It shall be the duty of the inspector of buildings to inspect all dwelling-houses now erected in the city of Boston, occupied by two or more families on any of the floors above the second floor from the level of the street, and any building now erected and occupied as a hotel, boarding or lodging house, factory, mill or manufactory, or for offices or workshops, in which persons are employed in any of the stories above the second story; and if in his opinion such building is not provided with proper facilities for the escape of such persons in case of fire, he shall immediately serve a notice in writing upon the owner or owners, agent, or other party or parties having an interest in said building, requiring such facilities to be provided without delay. Fire-escapes  
to be provided  
in certain  
buildings.  
Ibid. § 22.  
  
Inspector to  
notify owner.

Survey may be held on refusal of owner to comply with notice. 1873, c. 298. § 23.

70. If the person or persons so notified shall refuse or neglect to provide such facilities to the satisfaction of said inspector, within such time as the inspector may designate, then such a survey of the premises shall be had as provided by section thirteen of this act.

Report of survey. Ibid. § 24.

71. If the report of such survey shall require the furnishing of the facilities as aforesaid, the requisite changes or alterations in the building shall be particularly specified; and the inspector of buildings shall, upon the continued neglect or refusal of the owner or owners, or other party or parties interested in said building, cause such changes or alterations to be made, in the manner and subject to all the provisions specified and contained in sections fourteen to nineteen inclusive of this act. (Chap. 298, 1873.)

Inspector may make alterations.

Right to enter buildings. Ibid. § 25.

72. The officers of the department for the survey and inspection of buildings in the city of Boston, and all surveyors or other persons required to execute the provisions of this act, shall, as far as may be necessary for the performance of their respective duties, have the right to enter any building or premises in said city.

#### BUILDING PERMITS, ETC.

Permits to build or alter to be obtained from Inspector. 1871, c. 280, § 18.

73. No building shall be erected hereafter in any part of the city of Boston, without a permit being first obtained from the inspector of buildings; and no addition or alteration to any building, subject to the regulations of this act, shall be made without a permit from said inspector, [and said inspector shall designate, in all permits for the erection of new buildings, the grade below which the floor of the basement story of said building shall not be laid.] \*

Inspector to examine plans of halls, etc. Ibid. § 19.

74. The inspector of buildings shall not give a permit for the erection of any building to be used for public assemblies, until he has carefully inspected the plans and specifications thereof, and ascertained that the building has sufficient strength, and that the means of ingress and

\* Modified by Chapter 377, Laws of 1872. See Appendix D.

egress are sufficient; and a copy of said specifications shall be deposited in the office of said inspector. 1871, c. 230, § 19.

If in any case the inspector shall see fit to prohibit the erection or alteration of any building according to the plan as submitted, and such decision shall appear to the owner or architect to be unreasonable, the owner or architect shall have the right of appeal to a committee of five experts, who shall be architects, engineers or master-builders, two of whom shall be chosen by the said owner or architect, and two by the inspector of buildings, the fifth one to be chosen by the other four, and their decision shall be final. Copy of specifications to be deposited. Owner or architect may appeal from decision of Inspector.

75. Upon a license being granted by the Mayor and Board of Aldermen of the city of Boston for the erection of a steam boiler, engine or furnace for melting glass, iron, or other metal, in any building in the said city, the person or persons receiving said license shall, before setting, erecting or placing, said boiler, engine, or furnace, file an application for a permit therefor with the inspector of buildings, who shall prescribe such regulation for the setting or placing thereof as the public safety may require, *and no person or persons shall erect, set, or place any boiler, engine, furnace or oven, without a permit from said inspector.* Permit for erection of steam boilers, etc., to be obtained from Inspector. 1872, c. 371, § 18.

[For act relating to engine and boiler license see Appendix A.

For act relating to stable licenses see Appendix B.

For rules and regulations in relation to the construction of coal-holes, vaults, etc., under sidewalks see Appendix C.

For ordinance in relation to vaults and drains see Appendix E.

Permits to occupy the street for building purposes must be obtained from the chief of police.]

#### DUTIES OF OFFICERS, ETC.

76. There is hereby created in the city of Boston an executive department, to be known and designated as the Creation of Department for Survey and

Inspection of  
Buildings.  
1871, c. 280, § 1.

Department for the Survey and Inspection of Buildings, which shall have charge of enforcing the several provisions of this act.

And the said department shall be provided with office room and all the necessary supplies for the proper transaction of its business.

77. The chief officer of the said Department for the Survey and Inspection of Buildings shall be called the Inspector of Buildings.

Inspector of  
Buildings, how  
appointed.  
Ibid. § 4.

He shall be appointed by the mayor, and confirmed by the city council.

He shall hold office for the term of three years, or until his successor shall take office, but may be sooner removed by the city council for malfeasance, incapacity or neglect of duty.

Clerk and  
Assistant in-  
spectors, how  
appointed.  
Ibid. § 5.

78. The subordinate officers of the said department shall consist of a clerk, and such number of assistant-inspectors as the city council may, from time to time determine, all of whom shall be appointed by the inspector, with the approval of the mayor. The assistant-inspectors and clerk shall hold office for the term of two years, but may be sooner removed by the inspector, with the approval of the mayor, for malfeasance, incapacity or neglect of duty.

Qualifications  
of officers.  
1872, c. 371,  
§ 25.  
Not to be en-  
gaged in other  
business.

79. The inspector and assistant-inspectors of the Department for the Survey and Inspection of Buildings in the city of Boston, shall be able and experienced architects, builders or mechanics, competent to perform all the duties of the office to which they are appointed, and such inspectors shall not be employed or engaged in any other vocation, or be interested in any contract or contracts for building or for furnishing materials.

Duty of  
Inspector of  
Buildings.  
1871, c. 280, § 7.

80. It shall be the duty of the inspector of buildings to sign all certificates and notices required to be issued under this act from said department.

To make returns of all violations, except those mentioned in section fifty (see 1872, c. 260, § 4), to the city solicitor for prosecution.



To have kept in proper books for that purpose a register of all transactions of said department. 1871, c. 280, § 7.

To submit to the city council a half-yearly statement in detail of such transactions.

To enter upon the premises wherein any fire has occurred, if necessary, in order to investigate the origin of the fire.

And further, to perform such other duties as are herein required of him.

He shall also have a general supervision and direction over the subordinate officers of the department.

81. The inspector of buildings shall have full power to pass upon any question, arising under the provisions of this act, relative to the manner of construction, or materials to be used in the erection, alteration or repair of any building in the city of Boston, and he may require that plans of the proposed erection, alterations or repairs shall be submitted for inspection before issuing his permit: *provided, however,* that should any question arise between the inspector of buildings and the owner or architect of any building, or should the owner or architect object to any order or decision of said inspector, the matter shall be referred to a committee of three persons, who shall be either architects or master-builders, one to be chosen by the inspector of buildings, one by the owner or other interested party, and these two shall choose a third, and the decision of these referees, submitted in writing, shall be final and conclusive in the premises. Power to pass upon questions. 1872, c. 371, § 22. Referees to settle questions which arise between Inspector and owner.

82. The assistant-inspectors of buildings, if such officers are appointed, shall, under the direction of the inspector of buildings, attend all fires occurring in the districts to which they are respectively assigned, and report to the chief or assistant engineer of the fire department present all information they may have relative to the construction and condition of the premises on fire, and also any such information relating to the adjoining buildings. Assistant Inspector to attend fires. 1871, c. 280, § 8.

Inspector and  
Assistant In-  
spectors to ex-  
amine build-  
ings.  
1871, c. 280,  
§ 9.

83. The inspector or assistant-inspectors shall examine all buildings in the course of erection, alteration or repair throughout the city as often as practicable, and shall make a record of all violations of any of the several divisions of this act, together with the street and number where such violations are found, the names of the owner, lessee, occupants, architect and master mechanics, and all other matters relative thereto.

It shall also be the duty of the inspector or assistant-inspectors, to examine all buildings reported dangerous, or damaged by fire or accident, and to make a record of such examinations, including the nature and amount of such damage, with the name of the street and number of the building, the names of owner, lessee, and for what purpose occupied, and, in case of fire, the probable origin thereof; to examine all buildings under application to raise, enlarge, alter or build upon, and to make a record of the condition of the same. Said records shall always be open to the inspection of the engineers of the fire department, or any officer of the city.

Deputy to be  
appointed in  
absence of  
Inspector.  
Ibid. § 10.

84. In the absence of the inspector of buildings, one of the assistant-inspectors may be appointed by him to act as his deputy, with the same powers exercised by him.

Right to enter  
buildings.  
Ibid. § 11.

85. All the officers appointed under this act shall, so far as may be necessary for the performance of their respective duties, have the right to enter any building or premises in the city of Boston.

Compensa-  
tion.  
Ibid. § 12.

86. The compensation of the officers appointed under this act shall be fixed by the city council of Boston.

#### PENALTIES.

Penalties for  
violation of  
provisions of  
this act.

1872, c. 371,  
§ 23.  
1873, c. 298,  
§ 10.

87. If any person or persons whether owner or owners, contractor or contractors, builder or builders, shall begin to erect, construct, build or alter any building or structure within the city of Boston, without first obtaining a permit from the inspector of buildings of said city, such person or persons shall forfeit and pay the sum of not less than

one hundred dollars nor more than one thousand dollars for each and every such offence; and if any person or persons, as aforesaid, shall proceed to complete any building or structure in the city of Boston, without having the same inspected as by law required, or shall violate any or either of the provisions of this act, or of the act of which this act is an amendment, or of any other act in amendment thereof, for the violation of which no other penalties are therein or hereinbefore provided, he or they shall forfeit and pay not less than one hundred dollars and not more than one thousand dollars for each and every such violation, and the further sum of one hundred dollars for each and every week that he or they shall maintain any building or structure in violation of any provision of this act, or of the act of which this act is an amendment, or of any other act in amendment thereof.

1872, c. 371,  
§ 23.  
1873, c. 298,  
§ 10.

All penalties under this act shall be recoverable by the city of Boston in an action of tort.

Penalties may  
be recovered  
in an action of  
tort.

If any person or persons, whether owner or owners, contractor or contractors, builder or builders, shall erect or alter any building or structure in the city of Boston, in violation of any or either of the provisions of this act, or of the act of which this act is an amendment, or of any amendment thereof, or in violation of any ordinance enacted by the city council of the city of Boston, under authority given it by chapter two hundred and eighty of the laws of the year eighteen hundred and seventy-one, or of any law or laws in addition thereto or amendment thereof, it shall be lawful for the supreme judicial court, or any justice thereof, either in term-time or in vacation, to issue forthwith an injunction restraining such person or persons from further progress in said work, until the facts of the case shall have been investigated and determined; and if it shall appear to said court or to any justice thereof, upon such investigation, that such building or structure does not in all respects conform to the provisions of this act, and of the act of which this act is

Injunction  
may be issued  
by S. J. C.

S. J. C., may  
order removal  
of violations.  
1872, c. 371,  
§ 23.  
1873, c. 298,  
§ 10.

an amendment, and of all amendments thereof, said court or justice shall issue an injunction to restrain the continuance of the work upon such building or structure, and shall order the removal, within a time to be fixed by said court or justice, of so much of said building or structure as may be decreed by said court or justice to be in violation of the provisions of this act, or of the act of which this act is an amendment, or of any act in amendment thereof.

# APPENDICES.

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## APPENDIX A.

*Act in relation to Stationary Steam Engines.*

[CHAPTER 74 OF THE ACTS OF THE YEAR 1862.]

SECTION 1. No stationary engine, propelled by steam or other motive power, shall be hereafter erected or put up for use in any city or town, within five hundred feet of any dwelling-house, or public building, unless a license therefor shall have been first granted in the manner provided in chapter eighty-eight of the General Statutes, in respect to licenses of steam-engines, furnaces, and boilers; and such license shall be applied for, granted, and recorded in manner as therein provided.

SECT. 2. Any stationary engine hereafter erected, without such license, shall be deemed a common nuisance, and the Mayor and Aldermen or Selectmen shall have like authority to remove the same as is given to them by section forty of said chapter.

SECT. 3. This act shall not be in force in any city or town until it has been adopted at a legal meeting of the city council of the city or of the inhabitants of the town called for that purpose.

The foregoing act was accepted by the city council of Boston, March 25, 1862.

Attest: S. F. McCLEARY, *City Clerk.*

## APPENDIX B.

AN ACT concerning the *Erection of Stables in the City of Boston.*

[CHAPTER 369 OF THE ACTS OF THE YEAR 1869.]

*Be it enacted, etc., as follows:—*

SECTION 1. No person shall hereafter erect, occupy or use any building for a stable in the city of Boston, except in such place as the board of aldermen of said city shall first in writing approve and direct, and every person so erecting, using or occupying a building without such approval, shall forfeit a sum not exceeding fifty dollars, for every month he so uses or occupies such building, and in like proportion for a longer or shorter time: this act shall not apply to any stable now erected, occupied or used, so long as the same is not enlarged or rebuilt.

SECT. 2. The supreme judicial court, or any justice thereof, either in term-time or vacation, may issue an injunction to prevent the erection, occupancy or use of any stable contrary to the provisions of this act.

SECT. 3. This act shall take effect in three months after its passage. [*Approved June 9, 1869.*]

## APPENDIX C.

*Rules and Regulations in relation to the construction of Coal Holes, etc., under the sidewalks.*

The superintendent of streets is hereby authorized to issue permits for the purpose of making excavations or apertures in any street, or under the sidewalks thereof, as required by the ordinance in relation to streets, passed April 28, 1863, upon the following conditions, namely:—

I. All coal-holes or vaults of any description that may

hereafter be made under the sidewalks in the city of Boston, shall be constructed as follows : —

The outer wall next to the carriage-way or road-way shall be formed of heavy granite, of not less than *two and one-half feet* in thickness, which shall be laid with good cement; and no part thereof shall project beyond the edgestone. The sides of such vaults shall be *at least one foot thick*, and be composed of good hard bricks or granite blocks, laid in cement mortar. The top of the coal-hole or vault shall be formed either by a brick arch or arches, turned over said coal-hole or vault in a good and substantial manner, or by covering said coal-hole or vault with rough-hammered granite, at least one foot thick, or Blue-stone, or North River flag-stone, at least six inches thick, or iron and glass, or rough surface iron, similar in character to the "Hyatt Light," as it is called.

Each coal-hole or vault thus constructed shall not exceed *eleven feet* in depth, measuring from the top of the sidewalk. The aperture in the sidewalk over said coal-hole or vault shall not exceed *eighteen inches* in diameter, and shall be covered with a substantial iron plate, with a rough surface, to prevent accidents. The entire construction of said coal-holes or vaults shall be subject to the directions and supervision of the superintendent of streets, or such other person as the board of aldermen may designate. Coal-slides are permitted to be placed in the sidewalks, and shall be constructed of at least eight-inch brick walls laid in good cement mortar, and the hole covered as before mentioned.

2. The *owner and tenant* of the abutting estate in front of which the coal-hole or vault is thus permitted to be constructed shall be held responsible to the city for any and all damages to persons or property in consequence of any defect in the construction of such vault or coal-hole, or for allowing the same or any portion thereof to remain out of repair; and such owner and tenant shall be required to keep the said vault or coal-hole, its walls and coverings, in good order at all times.

3. The *occupant* of any estate abutting on such a vault or coal-hole shall be held responsible to the city for any and all damages occasioned to persons or property in consequence of the aperture in the sidewalk being left exposed and uncovered, or from the covering thereof being left insecure or unfastened; and said occupant shall be required to keep such coal-hole or vault-cover in good order and safe for public travel over the same.

4. No boiler, steam-shaft, furnace, or steam-pipe, no cesspool, privy, or water-closet shall be constructed or located for use under, no explosive substance or inflammable oil shall be stored under any sidewalk in the city, and no excavations, when permitted, shall be ventilated into the streets.

5. Any excavation under the sidewalk, whether licensed or not, shall be closed and filled up at the owner's expense, after one week's notice to that effect given by the board of aldermen.

6. Whenever any coal-hole, or vault under any sidewalk or any aperture constructed therein, shall not be covered or secured as provided in section one, or shall, in the opinion of the board of aldermen, be unsafe or inconvenient for the public travel, said board may order the same to be removed, and a suitable one put in its place; and if the same shall not be done within ten days from the service of said order on the owner or tenant of the premises, or other person having the care thereof, the superintendent of streets shall make such change, and the expense thereof shall be paid by such owner, tenant, or other person having the care of the premises; and no person shall leave such coal-hole, excavation, or aperture open or unfastened after sunset, nor in the daytime unless while in use by some person or persons actually attending the same.

7. Every application for a permit shall be made in writing, and signed by the applicant, and shall set forth the dimensions of the proposed excavation or aperture,



and the purpose for which it is to be used; and such excavation or aperture shall not be used for any other purpose than that stated in the application, without the consent of the committee on paving and the superintendent of streets; and such permit may at any time be revoked by the board of aldermen.

Every applicant will be required to sign an agreement to conform on his part, to all the provisions and requirements of the foregoing conditions. Said conditions shall be printed upon each permit which is issued, and any violation of the same shall work a forfeiture of the privilege thus granted, and the board of aldermen will cause said privilege to be revoked accordingly.

8. The chief of police is hereby directed to prosecute all persons who shall open or disturb any sidewalk of this city, without having a permit for that purpose as provided in the ordinance relating to streets, passed April 28, 1863.

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## APPENDIX D.

*AN ACT to establish a grade in the city of Boston.*

CHAPTER 377, OF THE ACTS OF THE YEAR 1872.]

*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. The board of aldermen of the city of Boston shall establish in said city a grade not less than twelve feet above mean low water; and no person shall in said city, after such grade is established, construct any cellar or basement-cellar of any dwelling-house or other building below such grade, or use or occupy any cellar or basement-cellar constructed below the same; *provided*, that the board of aldermen may by license subject to revocation at any time by them, authorize cellars to be

constructed in buildings used exclusively for storage or business purposes, so much below said grade, as they shall designate in each license.

SECT. 2. If any person constructs, uses or occupies any cellar or basement-cellar in violation of section one of this act, said board of aldermen shall order the owner or occupant of such cellar or basement-cellar to so alter and construct it as to conform to the requirements of said section; and if such owner or occupant fails to comply with such order within ten days after service thereof, as provided by the following section, said board shall so alter such cellar or basement-cellar; and all necessary expenses incurred thereby shall constitute a lien upon the land, wherein such cellar or basement-cellar is constructed, and upon the buildings upon such land, and may be collected in the manner provided by law for the collection of taxes upon real estate; and the city treasurer of said city may purchase such land or land and buildings, in behalf of said city.

SECT. 3. All orders under the preceding section shall be made in writing, and served upon said owners or occupants, or their authorized agents, as prescribed by section nine of chapter twenty-six of the General Statutes, for the service of orders of boards of health; and the supreme judicial court, or any justice thereof, in term-time or vacation may, by injunction or other suitable process in equity, restrain any person or corporation from constructing, using, or occupying any cellar or basement-cellar in violation of the provisions of section one of this act, and may enforce such provisions, and may order and enforce the abatement or alteration of any cellar or basement-cellar constructed, used or occupied in violation thereof, so as to comply with said provisions.

SECT. 4. This act shall take effect upon its passage.  
[Approved Dec. 18, 1872.]

## CITY OF BOSTON.

IN BOARD OF ALDERMEN, Dec. 23, 1872.

*Ordered,* That in pursuance of chapter 377 of the Acts of the Legislature of 1872, relating to cellars and basements in the city of Boston, this Board establish a grade of twelve feet above mean low water.

*Approved by the Mayor, Dec. 24, 1872.*

Attest: S. F. McCLEARY, *City Clerk.*

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*APPENDIX E.*

[EXTRACT FROM THE ORDINANCES IN RELATION TO THE  
PUBLIC HEALTH.]

## VAULTS AND DRAINS.

SECT. 40. The owner, agent, occupant, or other person having the care of any tenement used as a dwelling-house, or of any other building with which there is a privy connected and used, shall furnish the same with a sufficient drain under ground to carry off the waste water, and also with a suitable privy, the vault of which shall be sunk under ground and built in the manner hereinafter prescribed, and of a capacity proportionate to the number of inhabitants of such tenement, or of those having occasion to use such privy. Any such owner, agent, occupant, or other person who shall neglect to comply with the provisions of this section, shall be liable to a penalty of not less than five dollars nor more than twenty dollars, for each and every week during which such offence shall continue.

SECT. 41. All vaults and privies shall be made of brick and cement, and contain at least eighty cubic feet, and the inside of the same shall be at least two feet distant from the line of every adjoining lot, unless the owner of said adjoining lot may otherwise agree and consent; and at the

same distance from every street, lane, alley, court, square, or public place, or public or private passageway; and they shall be so constructed as to be conveniently approached, opened and cleaned. Every vault shall be made tight, so that the contents thereof cannot escape therefrom, except as is provided in section forty-four. All preparations for cleaning a vault or privy shall be made by the person entering the same; and, in case of neglect to make such preparation, it shall be made by the city, and the expense thereof be charged to such person.

SECT. 42. The superintendent of sewers, under the direction of the Board of Health, is authorized to permit, under such restrictions, and on the payment of such sums, not exceeding thirty dollars, as they may deem expedient, the construction of sufficient passageways or conduits under ground for the purpose of conveying the contents of any vault into any common sewer or drain.

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