

Paul -

This should be recorded  
in your department -

Mary Calras



## Notes of Decisions

## I. In general

The authority given to the board of license commissioners in the city of Cambridge by St.1922, c. 95, to grant, suspend or revoke licenses was not intended to include the authority to disapprove the granting of a license by the fire marshal. 8 Op.Atty.Gen. April 15, 1926, p. 80.

**§ 10B. Violation of regulations of board.** Any person who knowingly violates any rule or regulation made by the board of fire prevention regulations shall, except as otherwise provided, be punished by a fine of not less than twenty-five nor more than one hundred dollars. Added St.1954, c. 331.

**§ 11. Expert assistants; laboratory.** The commissioner may expend the amount annually appropriated for the employment of expert assistance, and also for maintaining a laboratory to aid in the enforcement of the laws relative to explosives and inflammable fluids and compounds. Expert assistants employed under this section shall aid in the enforcement of all laws, rules and regulations which it is the duty of the department to administer and enforce, and shall perform such other duties as the commissioner may prescribe. Said expert assistants shall be exempt from chapter thirty-one and the rules and regulations made thereunder.

## Historical Note

St. 1914 c. 421 § 1.  
St. 1915 c. 220.  
St. 1916 c. 65 § 1.

St. 1918 c. 275 § 4.  
G.L. 1921 c. 148 § 12.  
St. 1921 c. 255.

St. 1924 c. 398.  
St. 1930 c. 399 § 1.

**§ 12. License and permit for manufacture of fireworks.** No building shall be used for the manufacture of fireworks or firecrackers without a license from the local licensing authority and a permit from the marshal.

## Historical Note

St. 1910 c. 565 § 2.

G.L. 1921 c. 148 § 13.

St. 1930 c. 399 § 1.

## Cross References

Penalty for violations, see section 16 of this chapter.

**→ § 13. Licenses for land for explosives and inflammable materials; certificate of approval; record; certificate of registrations; fees; replacements and alterations of, and regulations for, buildings; appeals to marshal.** No building or other structure shall, except as provided

in section fourteen, be used for the keeping, storage, manufacture or sale of any of the articles named in section nine, unless the local licensing authority shall have granted a license to use the land on which such building or other structure is or is to be situated for the aforementioned uses, after a public hearing, notice of the time and place of which hearing shall have been given, at the expense of the applicant, by the clerk of the city or of the local licensing authority, by publication, not less than seven days prior thereto, in a newspaper published in the English language in the city or town wherein said land is situated, if there is any so published therein, otherwise in the county in which such city or town lies, and also by the applicant by registered mail, not less than seven days prior to such hearing, to all owners of real estate abutting on said land or directly opposite said land on any public or private street as they appear on the most recent local tax list at the time the application for such license is filed, and unless the application for such license shall have endorsed thereon the certificate of approval or disapproval of the head of the fire department. Such license shall be recorded in the office of the city or town clerk, and it shall, from the time of the granting thereof by the licensing authority, be deemed a grant attaching to the land described therein and as an incident of ownership thereof running with the land and shall not be deemed to be merely a personal privilege. Any license granted hereunder, or any license for the keeping, storage, manufacture or sale of any of the articles named in section nine, granted prior to July first, nineteen hundred and thirty-six, including any license reinstated and continued by the marshal as herein provided, shall remain in force unless and until revoked as hereinafter provided. Any such license granted hereunder shall be subject to such conditions and restrictions as may be prescribed in the license by the local licensing authority, which may include a condition that the license be exercised to such extent and within such period as may be fixed by such authority.

The owner or occupant of said land licensed as herein provided, and the holder of any license for the keeping, storage, manufacture or sale of any of the articles named in section nine, granted prior to July first, nineteen hundred and thirty-six, including any license reinstated and continued by the marshal as herein provided, shall annually, on or before April thirtieth, file with the clerk of the city or town where such license is to be or has been exercised, or in Boston, with the fire commissioner, or in Cambridge, with the board of license commissioners, a certificate of registration setting forth the name and address of the holder of such license; provided, that no certificate of registration shall be required for any building used as a garage for storing not more than three vehicles, when once used under such

a license. The board may by regulation prescribe the amount of any of the articles named in section nine that may be kept in a building or other structure without a license and registration, or either of them. Such fee as may be established from time to time by ordinance or by-law may be charged for any such license, registration or certificate of the head of the fire department, respectively; provided, that the fee for such registration shall be not more than one half of the amount of the fee for such a license.

The marshal may, upon application and after a public hearing, reinstate and continue in force and effect any license granted prior to July first, nineteen hundred and thirty-six, for the keeping, storage, manufacture or sale of any of the articles named in said section nine, irrespective of the extent of the use and occupancy of buildings or other structures made or had under said license prior to the date of such reinstatement and continuance, anything in the provisions of this chapter to the contrary notwithstanding, unless prior to such reinstatement and continuance said license has been revoked for cause or the marshal shall have determined that a fire or explosion hazard would result from the exercise of such license. The marshal shall give written notice of such application, and of the date of the hearing thereon, to the head of the fire department of the city or town wherein is situated the land to which such application relates and shall, after such hearing, notify in like manner the clerk of such city or town of the action taken on such application.

Any license granted hereunder or any license for the keeping, storage, manufacture or sale of any of the articles named in section nine, granted prior to July first, nineteen hundred and thirty-six, including any license reinstated and continued by the marshal as herein provided, may be revoked for cause, after notice and a hearing given to such owner or occupant, by the local licensing authority or by the marshal. Any building or structure erected or maintained under any of the aforementioned licenses shall always be subject to such replacements and alterations in construction and to such regulations of its use in respect to protection against fire or explosion as the board may prescribe.

Any person aggrieved by the granting of a license hereunder on the ground that the exercise thereof would constitute a fire or explosion hazard may, within ten days after the granting thereof, appeal to the marshal who, after notice and hearing, shall finally determine whether such a hazard would result. If, in his opinion, such a hazard would result, he shall notify the authority granting the license, and such notice when received by such authority shall constitute a revocation of such license and no further license for the same

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or similar use of the same land shall be granted within one year after the receipt by such authority of such notice. As amended St.1932, c. 22, § 1; St.1935, c. 123, § 1; St.1936, c. 394, § 1; St.1938, c. 99; St.1939, c. 333; St.1945, c. 415, § 1; St.1945, c. 710, §§ 5-8; St.1948, c. 550, § 27; St.1951, c. 329; St.1953, c. 200.

**Historical Note**

St. 1866 c. 285 § 2.	St. 1908 c. 502 § 1.	St. 1924 c. 254.
St. 1869 c. 152 § 6.	St. 1910 c. 223 § 1.	St. 1925 c. 335 § 1.
P.S. 1882 c. 102 § 73.	St. 1913 c. 452 § 1.	St. 1928 c. 260 § 1.
R.L. 1902 c. 102 § 114.	St. 1916 c. 162.	St. 1928 c. 325 § 1.
St. 1904 c. 370 § 3.	G.L. 1921 c. 148 § 14.	St. 1930 c. 399 § 1.
St. 1905 c. 280 § 1.	St. 1921 c. 485 § 3.	

The second sentence of the first paragraph, providing that from the time of the granting of a license by the licensing authority it shall be deemed to be a grant attaching to the land, was inserted by St.1945, c. 415, § 1. Section 2 of the amendatory act provided as follows: "The amendment to the first paragraph of section thirteen of chapter one hundred and forty-eight of the General Laws made by section one of this act shall apply only to licenses subject to said section thirteen granted subsequent to the effective date of this act."

The words "except fireworks, fire-crackers and torpedoes" were stricken out of the first four paragraphs by St. 1945, c. 710, §§ 5-8, which also substituted in the second and fourth paragraphs the word "board" for "department." Section 19 of the amendatory act provided as follows: "The amendment to the first paragraph of section thirteen of chapter one hundred and forty-eight of the General Laws made by section one of

chapter four hundred and fifteen of the acts of the current year shall apply only to licenses subject to said section thirteen granted subsequently to the effective date of said chapter four hundred and fifteen."

The provision for the recording of the license in the office of the city or town clerk was inserted near the beginning of the second sentence of the first paragraph by the 1948 amendment.

The last sentence of the first paragraph, providing that licenses granted shall be subject to conditions and restrictions prescribed by the local licensing authority, was added by the 1951 amendment.

The words "or directly opposite said land on any public or private street as they appear on the most recent local tax list at the time the application for such license is filed" were inserted near the end of the first sentence of the first paragraph by the 1953 amendment.

**Cross References**

- Appeals from order of department of public safety, exception of orders made by fire marshal under this chapter.
- Grounds for suspension, see c. 64A, § 9; c. 64E, § 10.
- Penalty for violations, see section 16 of this chapter.
- Restraint of erection, occupation or use of buildings in violation of this section, power of courts as to, see section 17 of this chapter.

**Law Review Commentaries**

- Delegation of discretion in Massachusetts licensing statutes. (Dec.1929) 43 Harvard L.Rev. 302.
- Licenses to "fill 'er up!" Henry W. Keyes (1946) 17 Boston Bar Bull. 131.

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CABLE ADDRESS "WHITEACRE" WASHINGTON, D. C.

October 22, 1982  
Our File: 781-36

Mr. Paul E. Healy  
City Clerk  
Cambridge City Hall  
Cambridge, MA

Re: Fourteen Cambridge Center

Dear Mr. Healy:

Please find enclosed for recordation with your office a copy of a duly issued License for Storage of Flammable Liquids, granted by the Massachusetts Department of Public Safety pursuant to Chapter 148 of the General Laws. You will note that Section 13 of that Chapter requires such licenses to be recorded with the office of the clerk of the city or town in which the property is located. A copy of Section 13 is enclosed.

Your attention to this matter is greatly appreciated.

Very truly yours,



Christopher H. Milton

CHM/pat  
Enclosure

S 756

Comm. from Christopher H. Milton, Esq., Fine  
& Ambrogne Re: license for storage of  
flammable liquids granted by the Mass. Dept.  
of Public Safety Re: Fourteen Cambridge  
Center.

In City Council,

November 1, 1982