SENATE DOCKET, NO. 627 FILED ON: 1/16/2013

SENATE . . . . . No. 944

The Commonwealth of Massachusetts

PRESENTED BY:

James B. Eldridge

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the effective enforcement of municipal ordinances and bylaws.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
James B. Eldridge	*Middlesex and Worcester*
Ruth B. Balser	*12th Middlesex*
Cleon H. Turner	*1st Barnstable*
David M. Rogers	*24th Middlesex*
Cory Atkins	*14th Middlesex*

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SENATE . . . . . No. 944

By Mr. Eldridge, a petition (accompanied by bill, Senate, No. 944) of James B. Eldridge, Ruth B. Balser, Cleon H. Turner, David M. Rogers and others for legislation to enforce municipal ordinances and bylaws. Municipalities and Regional Government.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *2300* OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to the effective enforcement of municipal ordinances and bylaws.

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. Section 21D of chapter 40 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by adding the following paragraph:-

Notwithstanding this section or any other general or special law to the contrary, in any suit in equity brought in the superior court or the land court by a city or town, or a municipal agency, officer, board or commission having enforcement powers on behalf of the city or town, to enforce an ordinance or by-law, or a rule, regulation or order described in this section, the court, upon a finding that the violation occurred, may assess a civil penalty in accordance with this section and section 21. Civil penalties assessed under this paragraph shall be in addition to any equitable relief ordered by the court and shall be paid to the city or town for use as the city or town may determine. In assessing a penalty under this paragraph, the court shall consider: (1) whether the violation was willful or negligent; (2) the harm to the public health, safety or environment resulting from the violation; (3) the economic benefit gained by the defendant as a result of the violation; (4) the cost to the city or town resulting from the violation, including its enforcement costs and reasonable attorneys fees; (5) the history of noncompliance by the defendant; and (6) whether the defendant made good faith efforts to cure or cease the violation of the ordinance or by-law after the first notice by the city or town of such violation.