

HOUSE No. 609

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act prohibiting certain dumping in the city of Lowell..

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

1 SECTION 1. There shall be a pilot program in the City of Lowell to determine the
2 effectiveness of permitting Cities to establish their own fines and other penalties for illegal
3 dumping within the City limits and of further permitting cities to retain the revenues generated
4 by such fines for the purpose of financing enforcement against illegal dumping.

5 SECTION 2. Notwithstanding any general or special law, rule or regulation to the
6 contrary, it shall be unlawful for any person in the City of Lowell, directly or indirectly, to dump,
7 place, throw, deposit or discharge any refuse, rubbish, garbage, household goods, appliances or
8 furniture, construction debris, landscaping debris, scrap, trash, or other material of any kind, on
9 any way, public or private, appearing on the official map of the City of Lowell, or within 20
10 yards thereof, or on any land owned or controlled by the City.

11 SECTION 3. Notwithstanding any general of special law, rule or regulation to the
12 contrary, it shall be unlawful for any person owning, in whole or in part, directly or indirectly,
13 any real property, including ownership of any right to pass and repass on a private way in the
14 City, upon which any refuse, rubbish, garbage, household goods, appliances or furniture,

15 construction debris, landscaping debris, scrap, trash or other material of any kind has been
16 dumped, placed, thrown, deposited or discharged, to fail to remove such material within 7
17 calendar days of receipt of a written notice from any police officer, code inspector or such other
18 officer or employee of the City of Lowell duly authorized by ordinance or order of the City
19 Manager to remove and lawfully dispose of such material.

20 SECTION 4. The City of Lowell may enforce section 2 by prosecuting criminal or civil
21 actions in the housing court, superior court or the district court of Middlesex County, and may
22 enforce section 3 by prosecuting civil actions in the same courts. No action commenced as a
23 criminal action shall be converted to a civil enforcement action except with the consent of the
24 City.

25 SECTION 5. Any person convicted of violating section 2 shall be punished by a fine of
26 not less than \$5,000 nor more than \$10,000, or by imprisonment in the house of correction for
27 not more than 7 days, or by both such fine and such imprisonment.

28 SECTION 6. After two years have passed from the passage of this Act, the Lowell City
29 Council shall have the authority to change or modify the fines and penalties specified within the
30 Act by majority vote after public hearing

31 SECTION 7. Any person found responsible in a civil action of violating sections 2 or 3
32 of this act shall be required to pay a civil penalty of 3 times the amount, up to a maximum of
33 \$5,000, estimated or actually paid by the City to remove such material from the property. The
34 court may also issue other orders and injunctions to remedy the circumstances of each case.

35 SECTION 8. All fines and penalties imposed for violations of this act shall be paid to the
36 City of Lowell and shall be deposited in the General Fund.

SECTION 9. This act shall take effect upon its passage.