

**SENATE . . . . . No. 2609**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Ten**  
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An Act authorizing the city of Worcester to establish a pilot program for enforcement against illegal dumping.

*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 Worcester for the enforcement  
2 against illegal dumping within the city limits and to determine the effectiveness of establishing  
3 its own fines and other penalties for illegal dumping and to collect those fines and penalties.

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

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

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

19 SECTION 4. The city of Worcester may enforce section 2 by prosecuting criminal or  
20 civil actions in the housing court, superior court or the central district court of Worcester county  
21 and may enforce section 3 by prosecuting civil actions in those courts. No action commenced as  
22 a criminal action shall be converted to a civil enforcement action except with the consent of the  
23 city.

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

27 SECTION 6. A person found responsible in a civil action for a violation of section 2 or 3  
28 shall be required to pay a civil penalty of 3 times the amount, up to a maximum of \$5,000,  
29 estimated or actually paid by the city to remove the dumped material from the property. The  
30 court may also issue other orders and injunctions to remedy the circumstances of each case.

31 SECTION 7. All fines and penalties collected for violations of this act shall be paid to  
32 the city of Worcester. Notwithstanding section 53 of chapter 44 of the General Laws or any  
33 other general or special law to the contrary, the city shall establish and maintain a Disposal  
34 Enforcement Fund into which all such payments shall be deposited. The city treasurer may invest  
35 funds in the fund in the manner authorized by sections 55 and 55B of said chapter 44 and any

36 interest earned on the fund shall be credited to and become part of the account. The city shall  
37 appropriate and expend amounts from the account to finance the enforcement of this act,  
38 removing improperly deposited material from the property subject to this act and financing  
39 programs and personnel involved in the collection and lawful disposal of unwanted household  
40 goods generated by residents of the city.

41 SECTION 8. This act shall take effect upon its passage.