

HOUSE No. 1288

The Commonwealth of Massachusetts

PRESENTED BY:

Marcos A. Devers

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 authorizing the city of Lawrence to establish a program for enforcement against illegal dumping.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Marcos A. Devers</i>	<i>16th Essex</i>	
<i>Barry R. Finegold</i>	<i>Second Essex and Middlesex</i>	<i>2/1/2013</i>
<i>Frank A. Moran</i>	<i>17th Essex</i>	<i>1/23/2013</i>

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By Mr. Devers of Lawrence, a petition (accompanied by bill, House, No. 1288) of Marcos A. Devers, Barry R. Finegold and Frank A. Moran (with the approval of the mayor and city council) for legislation to authorize the city of Lawrence to establish a program for enforcement against illegal dumping. The Judiciary. [Local Approval Received.]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3729 OF 2011-2012.]

The Commonwealth of Massachusetts

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In the Year Two Thousand Thirteen
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An Act authorizing the city of Lawrence to establish a 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.

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

8 SECTION 2. Notwithstanding any general or special law or rule or regulation to the
9 contrary, it shall be unlawful for any person owning, in whole or in part, directly or indirectly,
10 any real property, including ownership of any right to pass and repass on a private way in the
11 city of Lawrence upon which any refuse, rubbish, garbage, household goods, appliances or
12 furniture, construction debris, landscaping debris, scrap, trash or other material of any kind has
13 been dumped, placed, thrown, deposited or discharged to fail to remove such material within 7
14 calendar days of receipt of a written notice from a police officer, code inspector or other officer

15 or employee of the city of Lawrence duly authorized by ordinance or order of the mayor to
16 remove and lawfully dispose of such material.

17 SECTION 3. The city of Lawrence may enforce section 1 by prosecuting criminal or civil
18 actions in the housing court, superior court or the central district court of Lawrence county and
19 may enforce section 2 by prosecuting civil actions in those courts. No action commenced as a
20 criminal action shall be converted to a civil enforcement action except with the consent of the
21 city.

22 SECTION 4. A person convicted of a violation of section 1 shall be punished by a fine of
23 not less than \$5,000 nor more than \$10,000 or by imprisonment in the house of correction for not
24 more than 7 days or by both such fine and imprisonment.

25 SECTION 5. A person found responsible in a civil action for a violation of section 1 or 2
26 shall be required to pay a civil penalty of 3 times the amount, up to a maximum of \$5,000,
27 estimated or actually paid by the city to remove the dumped material from the property. The
28 court may also issue other orders and injunctions to remedy the circumstances of each case.

29 SECTION 6. All fines and penalties collected for violations of this act shall be paid to the
30 city of Lawrence. Notwithstanding section 53 of chapter 44 of the General Laws or any other
31 general or special law to the contrary, the city shall establish and maintain a Disposal
32 Enforcement Fund into which all such payments shall be deposited. The city treasurer may invest
33 funds in the fund in the manner authorized by sections 55 and 55B of said chapter 44 and any
34 interest earned on the fund shall be credited to and become part of the account. The city shall
35 appropriate and expend amounts from the account to finance the enforcement of this act,
36 removing improperly deposited material from the property subject to this act and financing
37 programs and personnel involved in the collection and lawful disposal of unwanted household
38 goods generated by residents of the city.

39 SECTION 7. This act shall take effect upon its passage.