

HOUSE . . . . . No. 03729

[LOCAL APPROVAL RECEIVED.]

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 passage 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:
<i>Marcos A. Devers</i>	<i>16th Essex</i>
<i>Barry R. Finegold</i>	<i>Second Essex and Middlesex</i>
<i>David M. Torrissi</i>	<i>14th Essex</i>
<i>Paul Adams</i>	<i>17th Essex</i>
<i>William Lantigua</i>	<i>86 Boxford Street</i> <input type="checkbox"/> <i>Lawrence, MA 01841</i> <input type="checkbox"/>
<i>Frank Moran</i>	<i>38 Dartmouth Street</i> <input type="checkbox"/> <i>Lawrence, MA 01841</i> <input type="checkbox"/>
<i>Oneida Aquino</i>	<i>332 Broadway Street</i> <input type="checkbox"/> <i>Lawrence, MA 01841</i> <input type="checkbox"/>
<i>Roger Twomey</i>	<i>17 Leeds Terrace</i> <input type="checkbox"/> <i>Lawrence, MA 01843</i>

*Marc Laplante*

*29 Durso Avenue*

*Lawrence, MA 01843*

*Modesto Maldonado*

*115 Spruce Street*

*Lawrence, MA 01841*

*Eileen O Connor Bernal*

*257 Mount Vernon Street*

*Lawrence, MA 01843*

*Dan Rivera*

*12 Jefferson Street*

*Lawrence, MA 01843*

# HOUSE . . . . . No. 03729

By Mr. Devers of Lawrence, a petition (accompanied by bill, House, No. 3729) of Marcos A. Devers and others (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.]

## The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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 be
- 3 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 contrary, it
- 9 shall be unlawful for any person owning, in whole or in part, directly or indirectly, any real
- 10 property, including ownership of any right to pass and repass on a private way in the city of

11 Lawrence upon which any refuse, rubbish, garbage, household goods, appliances or furniture,  
12 construction debris, landscaping debris, scrap, trash or other material of any kind has been  
13 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 not  
23 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 shall be  
26 required to pay a civil penalty of 3 times the amount, up to a maximum of \$5,000, estimated or  
27 actually paid by the city to remove the dumped material from the property. The court may also  
28 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 city of  
30 Lawrence. Notwithstanding section 53 of chapter 44 of the General Laws or any other general or  
31 special law to the contrary, the city shall establish and maintain a Disposal Enforcement Fund  
32 into which all such payments shall be deposited. The city treasurer may invest funds in the fund

33 in the manner authorized by sections 55 and 55B of said chapter 44 and any interest earned on  
34 the fund shall be credited to and become part of the account. The city shall appropriate and  
35 expend amounts from the account to finance the enforcement of this act, removing improperly  
36 deposited material from the property subject to this act and financing programs and personnel  
37 involved in the collection and lawful disposal of unwanted household goods generated by  
38 residents of the city.

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