

SENATE No. 1784

[LOCAL APPROVAL RECEIVED.]

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas M. McGee

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:

An Act authorizing the city of Lynn to establish a program for enforcement against illegal dumping..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Thomas M. McGee</i>	<i>Third Essex</i>
<i>Robert F. Fennell</i>	<i>10th Essex</i>
<i>Steven M. Walsh</i>	<i>11th Essex</i>

SENATE No. 1784

The Commonwealth of Massachusetts

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

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

16 SECTION 3. The city of Lynn may enforce section 1 by issuing a citation with the
17 penalty as described in Section 5 or prosecuting criminal or civil actions in the housing court,
18 superior court, or the district court of Lynn and may enforce section 2 by issuing citation with the
19 penalty as described in Section 5 or prosecuting civil actions in those courts. The City of Lynn
20 Department of Inspectional Services, the Department of Public Works and/or the Lynn Police
21 Department may issue such citations. No action commenced as a criminal action shall be
22 converted to a civil enforcement action except with the consent of the city.

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

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

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