

HOUSE No. 3860

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, November 18, 2015.

The committee on the Judiciary to whom was referred the petition (accompanied by bill, House, No. 1258) 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, reports recommending that the accompanying bill (House, No. 3860) ought to pass [Local Approval Received].

For the committee,

JOHN V. FERNANDES.

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**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

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. 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 Lawrence, directly or indirectly, to
3 dump, place, throw, deposit or discharge any refuse, rubbish, garbage, household goods,
4 appliances or furniture, construction debris, landscaping debris, scrap, trash or other material of
5 any kind on any way, public or private, appearing on the official map of the city of Lawrence, or
6 within 20 yards 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
8 the contrary, it shall be unlawful for any person owning, in whole or in part, directly or
9 indirectly, any real property, including ownership of any right to pass and repass on a private
10 way in the city of Lawrence upon which any refuse, rubbish, garbage, household goods,
11 appliances or furniture, construction debris, landscaping debris, scrap, trash or other material of
12 any kind has been dumped, placed, thrown, deposited or discharged to fail to remove such
13 material within 7 calendar days of receipt of a written notice from a police officer, code inspector

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

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

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

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

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

36 programs and personnel involved in the collection and lawful disposal of unwanted household
37 goods generated by residents of the city.

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