

HOUSE No. 4262

The Commonwealth of Massachusetts

PRESENTED BY:

Aaron Vega

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 Holyoke to establish a program for enforcement against illegal dumping.

PETITION OF:

NAME:

Aaron Vega

DISTRICT/ADDRESS:

5th Hampden

HOUSE No. 4262

By Mr. Vega of Holyoke, a petition (accompanied by bill, House, No. 4262) of Aaron Vega (with the approval of the mayor and city council) that the city of Holyoke be authorized to establish a program for enforcement against illegal dumping. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

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

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

7 SECTION 2. The City of Holyoke may enforce Section 1 by issuing citations with the
8 penalty as described in Section 3 or by prosecuting criminal or civil actions in the housing court,
9 superior court or the district court of Holyoke. The Board of Health, the department of public
10 works or the police department of the City of Holyoke, through their designated agents may issue

11 these citations. No action commenced as a criminal action shall be converted to a civil
12 enforcement action except with the consent of the City.

13 SECTION 3. A person convicted of a violation of Section 1 shall be punished by a fine of
14 not less than \$5,000 nor more than \$10,000 or by imprisonment in the house of correction for not
15 more than 7 days or by both such fine and imprisonment. A person found responsible in a civil
16 action for a violation of Section 1 shall be required to pay a civil penalty of 3 times the amount,
17 up to a maximum of \$5,000, estimated or actually paid by the city to remove the dumped
18 material from the property. The court may also issue other orders and injunctions to remedy the
19 circumstances of each case.

20 SECTION 4. Notwithstanding section 53 of chapter 44 of the General Laws or any other
21 general or special law to the contrary, all fines and penalties collected for violations of this act
22 shall be paid to the City of Holyoke. The City shall establish and maintain a Disposal
23 Enforcement Fund into which all these payments shall be deposited. The city treasurer may
24 invest funds in the fund in the manner authorized by sections 55 and 55B of said chapter 44 and
25 any interest earned on the fund shall be credited to and become part of the fund. The City shall
26 appropriate and expend amounts from the fund to finance the enforcement of this act, to remove
27 improperly deposited material from the property subject to this act and to finance programs and
28 personnel involved in the collection and lawful disposal of unwanted household goods generated
29 by residents of the city.

30 SECTION 5: The General Court may make clerical or editorial changes of form only to
31 the bill, unless the Mayor and City Council approve amendments before enactment by the

32 General Court. The Mayor and City Council are hereby authorized to approve amendments
33 which shall be within the scope of the general public objectives of this petition.

34 SECTION 6: This act shall take effect upon its passage.