
[Senate, June 29, 2006 — Substituted by amendment by the Senate (Creedon) for Senate, No. 2325.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Six.

AN ACT PROHIBITING CERTAIN DUMPING IN THE CITY OF BROCKTON.

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. There shall be a pilot program in the city of
2 Brockton to determine the effectiveness of permitting cities to
3 establish their own fines and other penalties for illegal dumping
4 within the city limits and of further permitting cities to retain the
5 revenues generated by such fines for the purpose of financing
6 enforcement against illegal dumping.

1 SECTION 2. Notwithstanding any general or special law or
2 regulation to the contrary, it shall be unlawful for any person,
3 directly or indirectly, to dump, place, throw, deposit or discharge
4 any refuse, rubbish, garbage, household goods, appliances or fur-
5 niture, construction debris, landscaping debris, scrap, trash or
6 other material of any kind on any way, public or private,
7 appearing on the city assessor's map of the city of Brockton, or
8 within 20 yards thereof, or on any land owned or controlled by the
9 city.

1 SECTION 3. Notwithstanding any general or special law or
2 regulation to the contrary, it shall be unlawful for any person
3 owning, in whole or in part, directly or indirectly, any real prop-
4 erty, including ownership of any right to pass and repass on a pri-
5 vate way in said city, upon which any refuse, rubbish, garbage,
6 household goods, appliances or furniture, construction debris,
7 landscaping debris, scrap, trash or other material of any kind has
8 been dumped, placed, thrown, deposited or discharged to fail to

9 remove such material within 7 calendar days of receipt of a
10 written notice from any police officer, code inspector or such
11 other officer or employee of the city of Brockton duly authorized
12 by ordinance or order of the mayor or board of health to remove
13 and lawfully dispose of such material.

1 SECTION 4. The city of Brockton may enforce section 2 by
2 instituting a criminal or civil action in the housing court or supe-
3 rior court of Plymouth county or in the Brockton district court and
4 may enforce section 3 by filing a civil action in any of said courts.
5 No action commenced as a criminal action shall be converted to a
6 civil enforcement action except with the consent of the city.

1 SECTION 5. Whoever is convicted of violating section 2 shall
2 be punished by a fine of not less than \$5,000 nor more than
3 \$10,000, or by imprisonment in the house of correction for not
4 more than 7 days, or by both such fine and imprisonment.

1 SECTION 6. Whoever is found responsible in a civil action of
2 violating section 2 or 3 shall be assessed a fine of 3 times the
3 amount, up to a maximum of \$5,000, estimated or actually paid by
4 the city to remove the illegally deposited material from the prop-
5 erty. The court may also exercise its powers in equity to issue
6 such other orders and injunctions as it deems justified by the cir-
7 cumstances of each case.

1 SECTION 7. All fines and penalties imposed for violations of
2 this act shall be paid to the city of Brockton. Notwithstanding
3 section 53 of chapter 44 of the General Laws or any other general
4 or special law to the contrary, the city shall maintain a special
5 account known as the refuse enterprise account into which all
6 such payments shall be deposited. The city treasurer may invest
7 funds in the account in the manner authorized by sections 55 and
8 55B of chapter 44 of the General Laws, and any interest earned on
9 the account shall be credited to and become part of the account.
10 The city shall appropriate and expend amounts from the account
11 for the purpose of financing the enforcement of this act, removing
12 improperly deposited material from the property governed by this
13 act and financing programs and personnel involved in the collec-

14 tion and lawful disposal of unwanted household goods generated
15 by residents of the city.

1 SECTION 8. This act shall take effect upon its passage. This
2 act shall cease to be effective on July 31, 2009.

