

By Mr. Toomey of Cambridge, petition of John J. Toomey for legislation relative to the location of areas for municipal dumping purposes. Public Health.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Four.

AN ACT RELATIVE TO THE LOCATION OF AREAS FOR
MUNICIPAL DUMPING PURPOSES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 111 of the General Laws is hereby amended
2 by the addition of a new section following the present
3 section 143:—

4 *Section 143A.* A town, with the approval of its
5 board of health, may establish or license the estab-
6 lishment of an area for the incineration, dumping,
7 depositing or disposing of garbage, refuse or rubbish,
8 and for said purpose may purchase land within its
9 limits, or take the same by eminent domain under
10 the provisions of chapter seventy. Towns or persons
11 owning or operating such areas for the incineration,
12 dumping, depositing or disposal of garbage, refuse or
13 rubbish shall maintain and operate the same in such
14 manner as will protect the public health, comfort and
15 convenience, and prevent a nuisance or a danger to
16 the public health by reason of odor, dust, fires or
17 smoke, the breeding or harboring of rodents, flies or
18 vermin, or other objectionable results.

19 The department of public health shall advise upon
20 request the board of health of a city or town previous
21 to the assignment of an area for the incineration,
22 dumping, depositing or disposing of garbage, refuse

23 or rubbish. Any person in the city or town or an
24 adjoining municipality, including persons in control
25 of any public land, or the officers of any municipality,
26 aggrieved by the action of the board of health in as-
27 signing an area for the incineration, dumping, deposit-
28 ing or disposing of garbage, refuse or rubbish may,
29 within sixty days, appeal from the assignment of the
30 board of health to the department of public health,
31 and said department may, after a public hearing of
32 which notice shall be given by publication in one or
33 more newspapers of the town, or, if no newspaper is
34 published in such town, by posting a copy of such
35 notice in a public place therein, rescind, modify or
36 amend such assignment.

37 If the department of public health determines upon
38 examination that the operation of an area for the in-
39 cineration, dumping, depositing or disposing of gar-
40 bage, refuse or rubbish results in a nuisance, a danger
41 to the public health or other objectionable condition,
42 or is likely to so result in a nuisance, a danger to the
43 public health, or other objectionable condition for any
44 reason whatever, said department may issue notice
45 in writing to the town or person owning or operating
46 the same requiring the discontinuance of the use of
47 the area for such purposes, the limitation of the
48 extent and character of the operation, changes in the
49 method of operation or the adequate use of such ma-
50 terials or services as may be necessary to protect the
51 public health, comfort and convenience.

52 The supreme judicial court and the superior court
53 shall have jurisdiction in equity to enforce the provi-
54 sions of this section.