

HOUSE No. 2316

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, January 26, 1954.

The committee on Public Health, to whom was referred the petition (accompanied by bill, House, No. 2000) of John J. Toomey for legislation relative to the location of areas for municipal dumping purposes, report the accompanying bill (House, No. 2316).

For the committee,

MARY B. NEWMAN.

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.

1 *Whereas*, The deferred operation of this act would
2 tend to defeat its purpose, which is to make its pro-
3 visions relative to the location of areas for municipal
4 dumping purposes effective immediately, therefore it
5 is hereby declared to be an emergency law, necessary
6 for the immediate preservation of the public health.

*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 inserting after section 143 the following section:—
3 *Section 143A.* A city or town, with the approval
4 of its board of health, may establish or license the
5 establishment of an area for the incineration, dump-
6 ing, depositing or disposing of garbage, refuse or rub-
7 bish, and for said purpose may purchase land within
8 its limits, or take the same by eminent domain under
9 the provisions of chapter seventy-nine. Any board
10 of health establishing any area for such purpose shall
11 immediately notify in writing the boards of health of
12 all adjoining municipalities. Cities or towns or per-
13 sons owning or operating such areas for the incinera-
14 tion, dumping, depositing or disposal of garbage, refuse
15 or rubbish shall maintain and operate the same in such
16 manner as will protect the public health, comfort and
17 convenience, and prevent a nuisance or a danger to
18 the public health by reason of odor, dust, fires or
19 smoke, the breeding or harboring of rodents, flies or
20 vermin, or other objectionable results.

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

38 The department, upon determination that the op-
39 eration of any area in any city or town for the incinera-
40 tion, dumping, depositing or disposing of garbage,
41 refuse or rubbish results in a nuisance, a danger to
42 the public health or other objectionable condition, or
43 is likely to so result in a nuisance, a danger to the
44 public health, or other objectionable condition for any
45 reason whatever, may issue notice in writing to the
46 town or person owning or operating the same requir-
47 ing the discontinuance of the use of the area for such
48 purposes, the limitation of the extent and character
49 of the operation, changes in the method of operation
50 or the adequate use of such materials or services as
51 may be necessary to protect the public health, com-
52 fort and convenience.

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

