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[Senate, No. 607. — Moved (Powers) as substituted for House Bill No. 1687.]

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## The Commonwealth of Massachusetts

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

### AN ACT CONCERNING THE ASSIGNMENT OF PLACES FOR PUBLIC AND PRIVATE DUMPS.

*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 150 the following section:—  
3 *Section 150A.* No place in any city or town shall be  
4 established or maintained by any person, including any  
5 political subdivision of the commonwealth, as a dump-  
6 ing ground for garbage, rubbish or other refuse unless  
7 such place has been assigned by the board of health of  
8 such city or town as a dumping ground subject to the  
9 provisions of any ordinance or by-law adopted therein  
10 under chapter forty A or corresponding provisions of  
11 earlier law. The assignment of a place as a dumping  
12 ground shall be conditioned upon such limitations with  
13 respect to the extent, character and method of operation  
14 thereof as may be necessary to protect the public health,  
15 comfort and convenience. The department shall advise,  
16 upon request, any board of health previous to the as-  
17 signment of a place as a dumping ground; and any per-  
18 son aggrieved by the action of a board of health in assign-  
19 ing a place as a dumping ground, including persons in  
20 control of any public land, the selectmen of any town,  
21 and in cities having a Plan D or Plan E charter the city  
22 manager, and in other cities the mayor, when authorized  
23 by vote of the city council, may, within sixty days, appeal

24 to the department from the assignment of the board of  
25 health, and the department may, after due notice and  
26 public hearing, rescind or suspend such assignment or  
27 modify the same by the imposition or amendment of  
28 conditions.

29 Every person, including every political subdivision of  
30 the commonwealth, maintaining or operating a place  
31 assigned as a dumping ground, shall maintain and oper-  
32 ate the same in such manner as will protect the public  
33 health, comfort and convenience and prevent a nuisance  
34 or a danger to the public health by reason of odor, dust,  
35 fires, smoke, the breeding or harboring of rodents, flies  
36 or vermin, or other cause. The assignment of any place  
37 as a dumping ground may be rescinded or suspended, or  
38 may be modified through the imposition or amendment  
39 of conditions, at any time after due notice and public  
40 hearing, by the board of health of the city or town where  
41 it is located, or by the department upon determination  
42 that the dumping ground results in a nuisance or a  
43 danger to the public health.

44 The superior court shall have jurisdiction in equity to  
45 enforce the provisions of this section upon petition of the  
46 department or any person aggrieved.