

HOUSE No. 2596

By Mr. Brown of Fairhaven, petition of William M. Conroy and F. Eben Brown relative to public hearings prior to the assignment of locations of land or buildings to be used for noxious or offensive trades. Public Health.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO PUBLIC HEARINGS FOR THE USE OF
LAND OR BUILDINGS USED FOR NOXIOUS OR OFFENSIVE
TRADES IN CITIES AND TOWNS.

*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. Section 143 of chapter 111 of the General
2 Laws, as most recently amended by section 1 of chapter
3 480 of the acts of 1948, is hereby further amended by
4 inserting after the word "thereof", in line 7, the words:
5 — after a public hearing has been held thereon, — so as
6 to read as follows: — *Section 143.* No trade or employ-
7 ment which may result in a nuisance or be harmful to
8 the inhabitants, injurious to their estates, dangerous to
9 the public health, or may be attended by noisome and
10 injurious odors shall be established in a city or town ex-
11 cept in such a location as may be assigned by the board
12 of health thereof after a public hearing has been held
13 thereon, subject, however, to the provisions of any ordi-
14 nance or by-law adopted therein under sections twenty-
15 five to thirty A, inclusive, of chapter forty, or corre-
16 sponding provisions of earlier laws, and such board of
17 health may prohibit the exercise thereof within the limits
18 of the city or town or in places not so assigned, in any

19 event. Such assignments shall be entered in the records
20 of the city or town, and may be revoked when the board
21 shall think proper.

22 The department shall advise, upon request, the board
23 of health of a city or town previous to the assignment of
24 places for the exercise of any trade or employment re-
25 ferred to in this section, and any person, including per-
26 sons in control of any public land, aggrieved by the
27 action of the board of health in assigning certain places
28 for the exercise of any trade or employment referred to
29 in this section may, within sixty days, appeal from the
30 assignment of the board of health to the department and
31 the department may, after a hearing, rescind, modify or
32 amend such assignment.

1 SECTION 2. Said chapter 111 is hereby further
2 amended by striking out section 151, as amended by
3 section 9 of chapter 332 of the acts of 1943, and insert-
4 ing in place thereof the following section:—

5 *Section 151.* No person shall occupy or use a build-
6 ing for carrying on the business of slaughtering cattle,
7 horses, mules, sheep or other animals, or for a melting
8 or rendering establishment, or for other noxious or offen-
9 sive trade and occupation, or permit or allow said trade
10 or occupation to be carried on upon premises owned or
11 occupied by him, without first obtaining, after a public
12 hearing has been held thereon, the written consent and
13 permission of the mayor and city council, or of the select-
14 men, or, in any town having a population of more than
15 five thousand, of the board of health, if any, of the town
16 where the building or premises are situated. This sec-
17 tion shall not apply to any building or premises occupied
18 or used for said trade or occupation on May eighth,
19 eighteen hundred and seventy-one; but no person who
20 used or occupied any building or premises on said date
21 for said trades or occupations shall enlarge or extend the
22 same without first obtaining the written consent and
23 permission of the mayor and city council or the select-
24 men, or, in any town having a population of more than
25 five thousand, of the board of health, if any.