

By Mr. Bateman of Winchester, petition of the water and sewer board and others of the town of Winchester that said town be authorized to assess a larger proportion of the cost of extending and completing its sewerage system. Municipal Finance. Jan. 13.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Twenty-Seven.

An Act relative to Sewer Assessments in the
Town of Winchester.

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. The water and sewer board of
2 the town of Winchester may determine the
3 value of the benefit or advantage to every par-
4 cel of real estate in the town beyond the general
5 advantage to all real estate therein from the
6 construction hereafter of any sewer or exten-
7 sion of any existing sewer or from the doing
8 of any other work in connection therewith,
9 except particular sewers from common sewers
10 to the lines of ways, and may assess on every
11 such parcel the whole or a proportionate share
12 of the cost of such improvement, as said board
13 shall deem just; provided, that no assessment
14 on any parcel of real estate shall exceed the
15 special benefit to that parcel.

1 SECTION 2. The town of Winchester may,
2 however, at any town meeting, determine by
3 vote that the whole or a fixed proportion of the
4 estimated cost of the completion or extension
5 of the existing sewer system or systems in said
6 town shall thereafter be assessed upon the
7 estates benefited thereby, in which case the
8 water and sewer board of said town shall fix
9 a uniform rate according to the frontage of
10 estates upon any street or way in which a sewer
11 is constructed or according to the area of estates
12 within a specified distance from such street or
13 way, or according to both frontage and area,
14 and shall make all assessments, thereafter
15 levied, in accordance with such rates; or said
16 town may, at any town meeting, determine by
17 vote or provide by by-law that the whole or a
18 fixed proportion of the cost of the construction
19 thereafter of any sewer or extension of any
20 existing sewer or the doing of any other work
21 in connection therewith, except particular sew-
22 ers from common sewers to the lines of ways,
23 shall be assessed upon the estates specially ben-
24 efited thereby, and that such cost shall be the
25 actual expense incurred for any such construc-
26 tion or extension and other work in connection
27 therewith, or the average cost, to be determined
28 by the water and sewer board of said town in
29 each year, of such construction and extension
30 and other work in connection therewith in a
31 period of not less than three years next pre-
32 ceding or including the year in which such

33 average cost is to be determined, and in such
34 case the water and sewer board shall apportion
35 the cost or the proportionate part thereof pre-
36 scribed by such vote or by-law upon the estates
37 that they shall determine to be specially bene-
38 fited by such improvement according to the
39 frontage of estates upon any street or way in
40 which a sewer is constructed, or upon the area
41 of the estates within a specified distance from
42 a street or way, or in accordance with both
43 frontage and area; provided, that no assessment
44 on any parcel of real estate shall exceed the
45 special benefit to that parcel.

1 SECTION 3. The provisions of section twenty-
2 seven of chapter eighty-three of the General
3 Laws, and the provisions of chapter eighty of
4 the General Laws relative to the apportion-
5 ment, division, reassessment, abatement, and
6 collection of assessments, and to interest, shall
7 apply to assessments made under this act. The
8 entire estate as assessed by the assessors of said
9 town shall be subject to the lien for assessments
10 made upon any estate under section one or two
11 of this act, notwithstanding that such assess-
12 ment may have been determined with reference
13 to only a portion thereof.

1 SECTION 4. Nothing contained in this act
2 or in chapter five hundred and five of the acts
3 of nineteen hundred and twelve shall prevent
4 the town of Winchester from assessing the cost

5 of the construction and extension of its sewer
6 system, or the cost of the construction hereafter
7 of any sewer or extension of any existing sewer,
8 and the doing of any other work in connection
9 therewith in accordance with any method
10 authorized by general law, or from providing
11 by vote or by-law that whenever application
12 shall be made for any extension of the sewer
13 system or systems in said town or the construc-
14 tion of any sewer therein, the cost of which in
15 the opinion of the water and sewer board of
16 said town would subject said town to undue
17 expense or to expense disproportionate to the
18 average amount expended for such improve-
19 ments in the five years next preceding the year
20 in which any such application shall be made and
21 the applicant shall offer to grant or procure
22 the grant to said town of all easements and
23 rights in land necessary for the purpose with-
24 out cost to the town and to pay the whole or
25 such part of the cost thereof as shall be pro-
26 vided by such vote or by-law, said water and
27 sewer board on behalf of the town may accept
28 such grants and receive from the applicant a
29 sum of money equal in amount to the estimated
30 cost of such extension and in making such
31 extensions construct sewers and particular sew-
32 ers in public and private ways and in private
33 land to the extent requested by the applicant.
34 Any amount so received by the water and sewer
35 board shall be deposited with the town treasurer
36 and be kept by him as a separate fund and not

37 as revenue of the town. The expense of the
38 work for which any such deposit is made shall
39 be paid therefrom by the town treasurer on
40 warrants issued by the water and sewer board
41 and upon the certificate of said board that the
42 work has been fully completed, any balance
43 remaining shall be repaid to the applicant.

1 SECTION 5. This act shall take effect upon
2 its passage.

