

By Mr. Morse of Wareham, petition of the Massachusetts Selectmen's Association that cities and towns be authorized to abate nuisances caused by dangerous accumulations of rock, stone or other earth materials. Public Safety.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Three.

AN ACT TO PERMIT CITIES AND TOWNS TO ABATE AS NUISANCES CERTAIN DANGEROUS ACCUMULATIONS OF ROCK, STONE, OR OTHER EARTH MATERIAL.

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 139 of the General Laws is hereby amended by add-
2 ing thereto new sections 3A, 3B, 3C and 3D to read as follows: —

3 *Section 3A.* Land which contains an accumulation of rock,
4 stone, gravel, sand, or other earth material above the surface of
5 the ground in such a manner as to be dangerous to the property
6 or person of anyone shall be deemed a nuisance and may be
7 abated by the board of selectmen or aldermen in the manner
8 provided hereafter by sections three B, three C and three D.

9 *Section 3B.* Any individual, or the board itself, may initiate
10 a petition to the board stating the nature of the nuisance and
11 apply for abatement thereof. The board shall within seven days
12 view the premises, and if it is of opinion that the petition de-
13 serves action, it shall set a time and place for hearing, giving
14 notice thereof to the petitioners, to the owner or the occupant
15 of the land in question, and to all abutters of the land in ques-
16 tion, and to any other person deemed by the board to be an in-
17 terested party. Such notice shall be given in writing by mailing
18 a copy thereof, postage prepaid, by certified mail to the last
19 known address of each party entitled to notice and by placing
20 an advertisement containing such notice in a newspaper of gen-
21 eral circulation in the municipality at least ten days before the
22 date set for such hearing.

23 *Section 3C.* At the appointed time and place the board shall
24 hear the parties and if the view of the premises and the evidence
25 presented at the hearing justify the finding of a nuisance the
26 board may order such nuisance abated by excavation and/or
27 land fill. The board shall enter its decision with the town clerk
28 in writing giving findings of fact and reasons for its decision and
29 shall mail forthwith copies thereof, postage prepaid, certified
30 mail, to all parties entitled to notice of the hearing. Within
31 fourteen days of the mailing of the copy of the decision the
32 owner of the premises complained of shall eradicate the nui-
33 sance at his own expense. Should he fail so to comply the board
34 shall cause such nuisance to be eradicated at public expense,
35 such expense to be both a personal debt of the owner of the
36 premises, collectible by the city or town in an action of contract
37 and a lien upon the premises when a copy of the decision is filed
38 with the register of deeds in the county where said premises lie.

39 *Section 3D.* Any person aggrieved by the decision of the
40 board may appeal to the superior court sitting in equity within
41 seven days after the mailing of a copy of the board's decision.