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By Mr. Armstrong of Plymouth, petition of John E. Gilmore (with the approval of the board of selectmen) that the town of Plymouth be authorized to borrow money for the construction and operation of a system or systems of sewerage and sewage disposal. Municipal Finance.

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**The Commonwealth of Massachusetts**

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

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AN ACT AUTHORIZING THE TOWN OF PLYMOUTH TO CONSTRUCT AND OPERATE A SYSTEM OR SYSTEMS OF SEWERAGES AND SEWAGE DISPOSAL.

*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 town of Plymouth, hereinafter called the  
2 town, may lay out, construct, maintain and operate a system  
3 or systems of common sewers for a part or the whole of its  
4 territory, with such connections and other works as may be re-  
5 quired for a system or systems of sewerage and sewage treat-  
6 ment and disposal, and may construct such sewers in said town  
7 as may be necessary.

1 SECTION 2. The town may make and maintain, in any way  
2 therein where common sewers are constructed, such connecting  
3 sewers within the limits of such way as may be necessary to  
4 connect any estate which abuts upon the way.

1 SECTION 3. The town may, at the meeting when this act is  
2 accepted, vote that the selectmen shall act as a board of sewer  
3 commissioners. If the town does not so vote at said meeting,  
4 the town shall elect by ballot, at any town meeting not later  
5 than the second annual meeting after the commencement of  
6 construction hereunder of a system or systems of sewerage and  
7 sewage disposal, a board of three sewer commissioners, who shall  
8 be citizens of the town, to hold office, if elected at an annual

9 meeting, one until the expiration of one year, one until the ex-  
10 piration of two years, and one until the expiration of three years,  
11 from such annual town meeting, and until their successors are  
12 qualified, or, if elected at a special meeting, one until the ex-  
13 piration of one year, one until the expiration of two years, and  
14 one until the expiration of three years from the next succeeding  
15 annual town meeting, and until their successors are qualified,  
16 and thereafter, at each annual town meeting when the term of a  
17 member expires, the town shall elect one member of the board  
18 to serve for three years and until his successor is qualified. Any  
19 selectman shall be eligible to election to said board. In either  
20 case, whether the town votes that its selectmen shall act as a  
21 board of sewer commissioners, or elects a board of sewer com-  
22 missioners, the town may at any time thereafter, by any or all  
23 the methods permitted by general law, provide for the election  
24 of a board of three sewer commissioners, or that the selectmen  
25 may act as a board of sewer commissioners, as the case may be.

1 SECTION 4. Said board of sewer commissioners, acting for and  
2 on behalf of said town, may take by eminent domain under  
3 chapter seventy-nine of the General Laws, or acquire by pur-  
4 chase or otherwise, any lands, water rights, rights of way or  
5 easements, public or private, in said town, necessary for ac-  
6 complishing any purpose mentioned in this act, and may con-  
7 struct such sewers under or over any bridge, railroad, railway,  
8 boulevard or other public way, or within the location of any  
9 railroad, and may enter upon and dig up any private land, public  
10 way or railroad location, for the purpose of laying such sewers  
11 and of maintaining and repairing the same, and may do any  
12 other thing proper or necessary for the purposes of this act;  
13 provided, that they shall not take in fee any land of a railroad  
14 corporation, and that they shall not enter upon or construct any  
15 sewer within the location of any railroad corporation except at  
16 such time and in such manner as they may agree upon with such  
17 corporation, or, in case of failure to agree, as may be approved  
18 by the department of public utilities.

1 SECTION 5. Until the board of sewer commissioners has first  
2 been elected as provided in this act or the selectmen have first  
3 been authorized by vote to act as such board, as the case may  
4 be, but not in any event later than the second annual meeting

5 after the commencement of the work of construction authorized  
6 hereby, the town may carry on such work by a duly authorized  
7 committee of the town. The committee shall serve without pay  
8 and shall have all the powers and authority given to the board  
9 of sewer commissioners in this act or by general law. Whenever  
10 the phrase "said board of sewer commissioners" or "said board"  
11 hereinafter occurs, it shall mean and include the board of sewer  
12 commissioners, the selectmen acting as such or the committee  
13 of the town provided for in this section, as the case may be.

1 SECTION 6. Any person injured in his property by any action  
2 of said board of sewer commissioners under this act may recover  
3 damages from said town under said chapter seventy-nine.

1 SECTION 7. The town shall, by vote, determine whether it  
2 shall pay the whole or a portion of the cost of said system or  
3 systems of sewerage and sewage disposal and if a portion, what  
4 proportion. If the town votes to pay less than the whole cost,  
5 in providing for the payment of the remaining portion of the  
6 cost of said system or systems the town may avail itself of any  
7 or all of the methods permitted by General Laws, and the pro-  
8 visions of said General Laws relative to the assessment, ap-  
9 portionment, division, reassessment, abatement and collection  
10 of sewer assessments, to liens therefor and to interest thereon,  
11 shall apply to assessments made under this act, except that  
12 interest shall be at the rate of four per cent per annum. At the  
13 same meeting at which it determines that any portion of the cost  
14 is to be borne by the town, it may by vote determine by which  
15 of such methods the remaining portion of said cost shall be pro-  
16 vided for. The collector of taxes of said town shall certify the  
17 payment or payments of such assessments, or apportionments  
18 thereof to the sewer commissioners, or to the selectmen acting  
19 as such, who shall preserve a record thereof.

1 SECTION 8. For the purpose of paying the necessary expenses  
2 and liabilities incurred under this act, the town may from time  
3 to time, within five years after the passage of this act, borrow  
4 such sums as may be necessary, not exceeding, in the aggregate  
5 of two million dollars, and may issue bonds or notes therefor,  
6 which shall bear on their face the words Plymouth Sewerage  
7 Loan, Act of 1963. Each authorized issue shall constitute a

8 separate loan and such loans shall be payable in not more than  
9 thirty years from their dates. Indebtedness incurred under this  
10 act shall be in excess of the statutory limit, but shall, except as  
11 provided herein, be subject to chapter forty-four of the General  
12 Laws.

1 SECTION 9. The receipts from sewer assessments and from  
2 payments made in lieu thereof shall be applied to the payment  
3 of charges and expenses incident to the maintenance and oper-  
4 ation of said system or systems of sewerage and sewage disposal  
5 or to the extension thereof, to the payment of interest upon  
6 bonds or notes issued for sewer purposes or to the payment or  
7 redemption of such bonds or notes.

1 SECTION 10. Said board of sewer commissioners may annually  
2 appoint a clerk and may appoint a superintendent of sewers who  
3 shall not be a member of the board, and shall define their duties.  
4 It may remove the clerk or superintendent at its pleasure. Said  
5 board may, in its discretion prescribe for the users of said sewer  
6 system or systems such annual rentals or charges based on the  
7 benefits derived therefrom as it may deem proper, subject, how-  
8 ever, to such rules and regulations as may be fixed by vote of the  
9 town.

1 SECTION 11. All contracts made by the board of sewer com-  
2 missioners shall be made in the name of the town and shall be  
3 signed by the board, but no contract shall be made or obliga-  
4 tions incurred by said board for any purpose in excess of the  
5 amount of money appropriated by the town therefor.

1 SECTION 12. Said board may, from time to time, prescribe  
2 rules and regulations for the connection of estates and buildings  
3 with sewers, and for inspection of the materials, the construc-  
4 tion, alteration and use of all connections entering into such  
5 sewers, and may prescribe penalties, not exceeding twenty  
6 dollars, for each violation of any such rule or regulation. Such  
7 rules and regulations shall be published at least once a week for  
8 three successive weeks in some newspaper published in the town  
9 of Plymouth if there be any, and if not, then in some newspaper  
10 published in the county of Plymouth and shall not take effect  
11 until such publications have been made.

1 SECTION 13. No act shall be done under authority of the pre-  
2 ceding sections except in the making of surveys and other pre-  
3 liminary investigations, until the plan for said system or systems  
4 of sewerage and sewage disposal has been approved by the state  
5 department of public health.

1 SECTION 14. This act shall take full effect upon its acceptance  
2 by vote of a majority of the voters of said town voting thereon  
3 at an annual town meeting or a town meeting called for the  
4 purpose within four years after its passage, but not otherwise.  
5 No expenditure shall be made and no liability incurred here-  
6 under until such acceptance.

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 ... the nature of the subject of inquiry and the nature of  
 ... the plan for and system of execution  
 ... and the general character of the work  
 ... of public health.

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