

SENATE No. 128

Taken from the files of last year. Metropolitan Affairs.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Fourteen.

AN ACT

To enable the Metropolitan Park Commission to improve and maintain in a Sanitary condition the Charles River within the Limits of the Metropolitan Parks District.

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. For the purposes of carrying out the
2 provisions of chapter four hundred and seven of the
3 acts of the year eighteen hundred and ninety-three,
4 and acts in amendment thereof and in addition
5 thereto, and of improving the sanitary condition
6 of Charles river within the metropolitan parks dis-
7 trict, the metropolitan park commission is hereby
8 authorized to exercise all the powers and authority
9 conferred by said acts, and also to acquire by pur-
10 chase or by right of eminent domain, in the manner

11 provided in said acts, and as provided in this act,
12 such mill privileges, mill dams and lands adjacent
13 thereto, flumes, raceways and other mill appur-
14 tenances in the city of Waltham, and such rights of
15 flowage and other rights and easements, including
16 the right to excavate, dredge, fill, maintain filling
17 upon, and change the grade of lands in said river
18 or along the banks thereof in said parks district,
19 as it may deem necessary: *provided, however*, that
20 any mill privilege or dam or lands, rights or ease-
21 ments appurtenant thereto so acquired, shall be
22 paid for only as provided in section three hereof.

1 SECTION 2. Said commission, after an appropria-
2 tion shall have been made therefor, is also author-
3 ized to build and maintain such dams or other struc-
4 tures within said limits of Charles river, and to
5 flow such land as it may deem necessary to main-
6 tain the water of the river at a height required to
7 carry out the purposes of this act. Said commission
8 may also limit and regulate the flow of water
9 through or over any mill dam or other structure
10 acquired by it under this act.

1 SECTION 3. So far as is consistent with the pur-
2 poses of this act, said commission may also enter
3 into agreements, upon such terms as it deems best,
4 with manufacturing or other companies relative to
5 furnishing such company or companies with water
6 for manufacturing or other purposes, and relative
7 to maintaining the water in said river at such a
8 level as the commission may deem necessary to
9 carry out the purposes of this act, and shall pay for
10 any mill privilege, dam and lands, rights and ease-

11 ments appurtenant thereto, acquired under the pro-
12 vision of this act, by such agreement to furnish
13 water.

1 SECTION 4. Said commission shall have exclusive
2 authority to make rules and regulations to prevent
3 the pollution and to secure the sanitary protection
4 of the waters of said river within the limits herein
5 defined. Whoever violates any rule or regulation
6 or order made by said commission under this sec-
7 tion shall be punished for each offence by a fine of
8 not more than five hundred dollars, or by imprison-
9 ment for not more than one year, or by both such
10 fine and imprisonment.

1 SECTION 5. Section one of chapter one hundred
2 and fifty-eight of the acts of the year nineteen hun-
3 dred and six is hereby amended by striking out, in
4 the fourth line, the words “ within the metropolitan
5 parks district ”, and substituting the words:—
6 upon said river, or of its motion, — by striking out,
7 in the sixth line, the words “ that part of ”; by
8 striking out, in the seventh and eighth lines, the
9 words “ within the present boundaries of said
10 metropolitan parks district ”; and by striking out,
11 in the tenth line, and also in the twelfth and thir-
12 teenth lines, the words “ within said parks dis-
13 trict”,—so as to read as follows:—*Section 1.* The
14 state board of health is hereby authorized, upon the
15 petition of the metropolitan park commission or
16 the mayor of any city, or the selectmen of any town
17 upon said river, or of its own motion, and after
18 notice to all parties interested and a hearing, to
19 prohibit the entrance or discharge of sewage into

20 the Charles river, and to prevent the entrance or
21 discharge of every other substance, except surface
22 or storm water, into said river which may be in-
23 jurious to public health, or may tend to create a
24 public nuisance, or to obstruct the flow of water,
25 including all waste or refuse from any factory or
26 other establishment where persons are employed,
27 unless the owner thereof shall use the best practi-
28 cable and reasonably available means to render such
29 waste or refuse harmless.

1 SECTION 6. The state board of health shall in-
2 vestigate the condition of the Charles river relative
3 to pollution, and shall take steps to put an end to
4 any pollution thereof as provided in section five.
5 No land shall be taken or any expense or liability
6 incurred under the provisions of this act until the
7 state board of health has certified to the metropoli-
8 tan park commission that in its opinion the nuisance
9 caused by sewage or other offensive waste material
10 discharged into the river has been abated.

1 SECTION 7. Damages sustained by any person or
2 corporation by the exercise by the metropolitan park
3 commission of the powers herein conferred upon it,
4 shall be estimated and determined in accordance
5 with the provisions of section seven of chapter four
6 hundred and seven of the acts of the year eighteen
7 hundred and ninety-three.

1 SECTION 8. The metropolitan park commission
2 shall have the same power to determine the value
3 of and assess upon real estate the amount of better-
4 ments accruing to such real estate by reason of the

5 exercise of the powers conferred upon said commis-
6 sion by this act as is now conferred by said commis-
7 sion by section four of chapter four hundred and
8 fifty of the acts of the year eighteen hundred and
9 ninety-five; and the provisions of said section shall
10 apply to the betterments assessed hereunder.

1 SECTION 9. This act shall take effect upon its
2 passage.

