

HOUSE No. 303

Accompanying the petition of Charles A. Hill and others relative to an improvement in the sewerage system of the city of Peabody. Municipal Finance. January 9.

The Commonwealth of Massachusetts

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

AN ACT

Relative to an Outlet for the Sewage of the City of Peabody

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 city of Peabody shall, for the pur-
2 pose of removing or purifying the sewage thereof, make
3 such modifications in its present system of sewers, and
4 construct, maintain and use such additional system of
5 sewers and sewage disposal, which may include a pump-
6 ing station, one or more trunk sewers and other works
7 essential to the proper treatment of said sewage, or to
8 the proper and convenient discharge of the same at
9 some point in Salem harbor, as it may deem necessary;
10 and may for said purposes, take by purchase or other-
11 wise any land, water rights, rights of way or easements
12 in the city of Salem deemed necessary therefor; provided,

13 however, that no sewers or other works, shall be con-
14 structed under the authority of this act, until plans
15 thereof have been approved by the state department
16 of public health, after due notice by said department
17 of the presentation of such plans to it for approval,
18 by publication of such notice, with the time and place
19 for the hearing thereon, in such paper or papers and
20 at such time or times as to the said department may
21 deem proper; and the said department after the hear-
22 ing may reject or approve such plans, or may modify
23 or amend the same and approve them as so modified
24 and amended; and provided, further, that not more
25 than one trunk sewer shall be located within the said
26 city of Salem and also provided that no sewer shall be
27 located, constructed nor maintained, nor shall any
28 pumping station be erected or maintained, nor shall
29 any other works essential to the proper treatment of
30 such sewage or to the proper and convenient discharge
31 of the same be located, erected or maintained within
32 the said city of Salem or within or under the waters
33 of Salem harbor unless the mayor and city council
34 shall in writing first approve the same; and provided,
35 further, that no highways in the said city of Salem
36 shall be dug up, unless permission therefor, in writing,
37 is first obtained from the mayor and city council of
38 said city of Salem under such conditions and restrictions
39 as the said mayor and city council may prescribe.

1 SECTION 2. The said city of Peabody may, for the
2 purposes of this act, carry its sewers, pipes and conduits,
3 under any street, railroad, highway or other way in the
4 said city of Salem in such a manner as not to unneces-
5 sarily obstruct the same, subject to the provisions of
6 the preceding section.

1 SECTION 3. The said city of Peabody, when it takes
2 any lands, water rights, rights of way, easements or
3 other real estate under the authority of this act, in
4 any manner other than by purchase, shall, within ninety
5 days thereafter, cause to be recorded in the registry
6 of deeds for the county and district in which the same
7 are situated a description of the same as certain as is
8 required in a common conveyance of land, with a state-
9 ment that the same are taken under the authority of
10 this act, signed by the mayor; and upon such record-
11 ing, the title of the lands, water rights, rights of way,
12 easements and other real estate so described shall vest
13 in the city of Peabody; provided, however, that no
14 land, water rights, rights of way or easements belonging
15 to the said city of Salem, shall be taken or acquired
16 unless the mayor and city council shall in writing ap-
17 prove or consent to the said taking or acquiring.

1 SECTION 4. The city of Peabody shall pay all dam-
2 ages sustained by the city of Salem or by any person
3 in his property by reason of any such taking or by
4 any other injury done by it under the authority of
5 this act, and if the said city of Salem or such person
6 and the city of Peabody, fail to agree as to the amount
7 of damages sustained thereby, the damages shall be
8 assessed and determined by a jury of the superior court,
9 in the manner provided by law in the case of land taken
10 for highways, on petition therefor by the city of Salem
11 or by such person, filed in the office of the clerk of
12 courts for the county of Essex at any time within the
13 period of two years from the taking of such land or
14 other property or the doing of such other injury.

1 SECTION 5. The city of Peabody in every case of
2 a petition for a jury as aforesaid may offer in said

3 court and consent in writing that a sum therein speci-
4 fied shall be awarded as damages to the complainant,
5 and if the complainant shall not accept the sum so
6 offered, within ten days after he has received notice
7 of the offer, and shall not finally recover a greater sum
8 than the amount so offered, not including interest, the
9 city shall be entitled to recover its costs after the date
10 of the offer, and the complainant if he recovers damages
11 shall be allowed his costs only to the date of the offer.

1 SECTION 6. The city of Peabody shall, in respect
2 to all work done and structures built in tide water
3 below high water mark, under the authority of this
4 act, be subject to the provisions of chapter ninety-one
5 of the General Laws and of all acts in amendment
6 thereof, so far as the same are applicable to the sub-
7 ject-matter of this act.

1 SECTION 7. The city of Peabody shall fully complete
2 and operate its aforesaid system for the disposal of
3 sewage, which system is to be located, constructed and
4 maintained through the city of Salem and is to be a sys-
5 tem independent of and separate from the present sewage
6 system within the city of Salem, all as above provided
7 on or before the first day of January, nineteen hundred
8 and twenty-four, and thereupon the said city of Peabody
9 shall not discharge any sewage into the present sewage sys-
10 tem located in the said city of Salem. Upon the comple-
11 tion of said aforesaid system by the said city of Peabody
12 and after the same has been in full use and operation
13 by the said city of Peabody for thirty days, the city
14 of Salem shall within thirty days thereafter, pay to
15 the city of Peabody the sum of one hundred and fifty
16 thousand dollars and upon the payment of the afore-

17 said sum, the said city of Peabody, shall have no right
18 title or interest in or to the present sewage system
19 located in the said city of Salem and shall not there-
20 after be required to make to the city of Salem any
21 further payments for expense incurred by the said city
22 of Salem for the maintenance and operation of its said
23 sewage system by the said city of Salem.

1 SECTION 8. The city of Salem for the purpose of
2 making the aforesaid payment to the city of Peabody
3 is hereby authorized to issue, from time to time, ne-
4 gotiable bonds or notes, to an amount not exceeding
5 one hundred and fifty thousand dollars, which shall be
6 outside the statutory limit of indebtedness. Such bonds
7 and notes shall be signed by the treasurer of the city
8 of Salem and be countersigned by the mayor and shall
9 be denominated on the face thereof, City of Salem Sew-
10 erage Loan, Acts of 1922; and shall be payable by
11 such annual payments beginning not more than one
12 year after the date thereof as will extinguish each loan
13 within forty years after its date. Each authorized issue
14 of bonds or notes shall constitute a separate loan. The
15 amount of the payment of principal in any year shall
16 not be less than the amount of the principal of the
17 loan payable in any subsequent year. The said annual
18 amount together with the interest on the loan shall,
19 without further action, be assessed by the assessors
20 of the city in the same manner as their taxes until
21 the debt incurred by the loan is extinguished. The
22 city may, from time to time, sell the said securities or
23 any part thereof, at public or private sale but for not
24 less than par value.

1 SECTION 9. The city of Peabody for the purpose
2 of carrying out the provisions of this act, is hereby

3 authorized to issue, from time to time, negotiable bonds
4 or notes to an amount not exceeding dollars
5 which shall be outside the statutory limit of indebted-
6 ness. Such bonds or notes shall be signed by the treas-
7 urer of the city of Peabody and be countersigned by
8 the mayor and shall be denominated on the face thereof,
9 City of Peabody Sewerage Loan, Acts of 1922, and
10 shall be payable by such annual payments beginning
11 not more than one year after the date thereof, as will
12 extinguish each loan within forty years after its date.
13 Each authorized issue of bonds or notes shall constitute a
14 separate loan. The amount of the payment of principal
15 in any year shall not be less than the amount of the
16 principal of the loan payable in any subsequent year. Said
17 annual amount together with the interest of the loan
18 shall, without further action, be assessed by the asses-
19 sors of the city in the same manner as their taxes until
20 the debt incurred by the loan is extinguished. The
21 city, may from time to time, sell the said securities
22 at public or private sale but for not less than the par
23 value.

1 SECTION 10. Such portions of chapter three hundred
2 and fifty-four of the acts of nineteen hundred and one,
3 of chapter three hundred and twelve of the acts of
4 nineteen hundred and four, of chapter five hundred
5 and seventeen of the acts of nineteen hundred and
6 twelve and of other chapters and portions thereof as
7 are inconsistent herewith are hereby repealed.

1 SECTION 11. This act shall take effect upon its
2 passage.

