

# HOUSE . . . . No. 201

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By Mr. Whiton of Quincy, petition of Joseph L. Whiton that relief be provided in the city of Quincy and town of Weymouth against escape of cinders and other solids from buildings in which furnaces with forced draft are used. Public Health.

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## The Commonwealth of Massachusetts

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In the Year One Thousand Nine Hundred and Thirty-Eight.

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AN ACT PROVIDING RELIEF IN THE CITY OF QUINCY AND TOWN OF WEYMOUTH AGAINST THE ESCAPE OR DISCHARGE OF CINDERS, ASHES OR OTHER SOLIDS FROM BUILDINGS IN OR UPON WHICH A FURNACE OR BOILER WITH A FORCED OR INDUCED DRAFT IS USED.

*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. Owners or lessees, or persons in con-  
2 trol of the operation, of any building in the city of  
3 Quincy or the town of Weymouth in or upon which a  
4 furnace or boiler with a forced or induced draft is  
5 used, shall install such equipment designed to pre-  
6 vent, so far as is reasonably practicable, the escape of  
7 cinders, ashes or other solids from the stacks of such  
8 building as the department of public utilities shall,  
9 upon petition of the attorney general, and after  
10 notice to such owner, lessee or person and a public  
11 hearing, approve as necessary, expedient and prac-  
12 ticable under all the circumstances.

1 SECTION 2. If upon such hearing the said depart-  
2 ment shall find that it is necessary, expedient and  
3 practicable under all the circumstances that such  
4 equipment as so approved shall be installed in the  
5 building complained of, it shall issue its order to that  
6 effect and shall fix the time, with power by further  
7 order or orders, after notice to the attorney general  
8 and a public hearing to extend such time for good  
9 cause shown, within which such equipment shall be  
10 installed.

1 SECTION 3. Any such owner, lessee or person who  
2 fails to obey such order of the said department within  
3 the time prescribed by said department and there-  
4 after operates any boiler or stack to which such order  
5 applies shall be punished by a fine of not more than  
6 one thousand dollars and by a further fine of not more  
7 than one thousand dollars for each month after the  
8 expiration of such prescribed time during which said  
9 order remains unobeyed; provided, however, that if  
10 a review be had in accordance with section five of chap-  
11 ter twenty-five of the General Laws, as appearing in  
12 the Tercentenary Edition, no prosecution shall be  
13 commenced hereunder until the issuance of a final  
14 decree of the supreme judicial court affirming the  
15 order of said department, and in the event of such  
16 review the time prescribed by the department shall  
17 begin to run from the date of such final decree instead  
18 of from the date of the order of said department.  
19 Prosecution under this act may be begun by com-  
20 plaint brought by or under the direction of the attor-  
21 ney general in any municipal or district court within  
22 the jurisdiction of which the building complained of  
23 is situated or by indictment by the grand jury for  
24 Norfolk county.