

SENATE No. 128

To accompany the petition of Philip A. Graham and Edward C. Stone for legislation to authorize cities and towns to form public beach districts. Harbors and Public Lands.

The Commonwealth of Massachusetts

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

AN ACT AUTHORIZING CITIES AND TOWNS TO FORM PUBLIC BEACH DISTRICTS.

1 *Whereas*, The deferred operation of this act would
2 tend to defeat its purpose, which is to provide im-
3 mediately adequate public beach facilities in cities
4 and towns, therefore it is hereby declared to be an
5 emergency law, necessary for the immediate preser-
6 vation of the public convenience.

*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. Chapter 40 of the General Laws is
2 hereby amended by inserting after section 12A, under
3 the caption PUBLIC BEACH DISTRICTS, the 6 following
4 sections:—

5 *Section 12B.* Two or more contiguous cities or
6 towns may, in a city by vote of the city council
7 thereof, and in a town by vote of the town at an
8 annual meeting, form a district for the purpose of
9 acquiring, whether by gift or otherwise, developing,
10 maintaining and operating, within their territorial

11 limits, beaches for public and recreational uses, and
12 may pay over to the district treasurer, as provided in
13 section twelve E, appropriations made for such pur-
14 pose. Each of such districts shall be under the control
15 of a commission which shall be appointed by, and the
16 number and the terms of office of the members of
17 which shall be determined by, a joint committee com-
18 posed of the mayor and president of the city council,
19 in each of such cities, and the chairman of the select-
20 men in each of such towns. In cities having both a
21 city council and board of aldermen the president of the
22 board of aldermen shall also be a member of such
23 committee.

24 The director of accounts in the department of cor-
25 porations and taxation shall cause an audit to be made
26 annually of the accounts of all districts organized
27 under the authority of this section, and for such pur-
28 pose he and his duly accredited agents shall have
29 access to all necessary papers, books and records.
30 Said director shall apportion the cost of each audit
31 among the several municipalities comprising the dis-
32 trict on the basis of the taxable valuation of said
33 municipalities as last established by the general court
34 for state and county taxes, and submit the amounts
35 of each apportionment to the state treasurer, who shall
36 issue his warrant requiring the assessors of the cities
37 and towns which comprise the district to assess a tax
38 to the amount so apportioned, and such amount shall
39 be collected and paid to the state treasurer as pro-
40 vided by section twenty of chapter fifty-nine.

41 *Section 12C.* Said commission shall construct,
42 equip and maintain at beaches under its control
43 public bathhouses with dressing rooms, lockers and
44 toilet facilities, as well as parking facilities, and other

45 recreational facilities, may make reasonable rules and
46 regulations for the care, maintenance, protection,
47 policing and equal public use of said beaches, bath-
48 houses, parking areas, and other recreational facili-
49 ties, and may make reasonable charges for all facili-
50 ties installed. At least one attested copy of such
51 rules and regulations shall be posted at such beaches
52 and any violation thereof shall be punished by a fine
53 of not more than twenty dollars for each offence.

54 *Section 12D.* A city or town which is a member of
55 a beach district may incur indebtedness within the
56 limit of indebtedness prescribed in section ten for the
57 purpose of acquiring beaches and paying an assess-
58 ment for the construction of a bathhouse and appur-
59 tenances, including parking areas and other recrea-
60 tional facilities, in a beach district, and each district
61 is authorized to make such assessments.

62 *Section 12E.* The treasurer of one of the munici-
63 palities comprising such district, designated by the
64 commission, shall be treasurer of the district and shall
65 give to the district a bond, with a surety company
66 authorized to transact business in the commonwealth
67 as surety, for the faithful performance of his duties as
68 treasurer of the district in such sum and upon such
69 conditions as the director of accounts in the depart-
70 ment of corporations and taxation may require. The
71 district treasurer shall disburse the money received
72 under the provisions of section twelve B upon war-
73 rants.

74 *Section 12F.* Persons employed at such beaches
75 shall be employees of the cities and towns in the dis-
76 trict where they are domiciled and not employees of
77 the district, and shall retain all their retirement and
78 civil service rights.

79 *Section 12G.* Said commission may at any time in
80 its discretion lease or let out upon such terms and
81 conditions as it sees fit, concessions or grants to op-
82 erate any bathhouse, parking area or any recreational
83 facility to any persons or corporations, such conces-
84 sions or grants, however, to be leased or let out after
85 public hearing and then to the highest responsible
86 bidder therefor.

1 SECTION 2. Section 5 of said chapter 40, as
2 amended, is hereby further amended by adding at
3 the end the following:—

4 (42) For the purpose of erecting and maintaining
5 public bathhouses in a beach district as provided in
6 sections twelve B to twelve G, inclusive, of this
7 chapter.

1 SECTION 3. Said chapter 40 is hereby further
2 amended by inserting after section 11 the following
3 section:—

4 *Section 11A.* For the purposes of clause (25A) of
5 section five, any city may form a beach district, and
6 the provisions of sections twelve B to twelve G shall,
7 so far as pertinent, be applicable.