

SENATE No. 95.

Commonwealth of Massachusetts

SENATE, March 9, 1897.

The committee on Public Health, to whom was referred the petition of the chairman of the Board of Health of the city of Boston for legislation for the further protection of the public health (accompanied by bill, House, No. 635), report the accompanying Bill.

For the Committee,

MARTIN M. LOMASNEY.

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Ninety-seven.

AN ACT

For the Further Protection of Public Health in the
City of Boston.

*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. Whenever the board of health of
2 the city of Boston shall be of opinion that any
3 building or any part thereof in said city is in-
4 fected with contagious disease, or by reason of
5 want of repair has become dangerous to life, or is
6 unfit for human habitation because of defects in
7 drainage, plumbing, ventilation, or the construc-
8 tion of the same, or because of the existence of a
9 nuisance on the premises which is likely to cause
10 sickness among its occupants, said board may
11 issue an order requiring all persons therein to
12 vacate such building or part thereof stated in the
13 order, for reasons to be stated therein as afore-
14 said. Said board shall cause said order to be af-
15 fixed conspicuously to the building or part thereof,

16 and to be personally served on the owner, lessee,
17 agent, occupant or any person having the charge
18 or care thereof; if the owner, lessee or agent can-
19 not be found in the said city or do not reside
20 therein, or evade or resist service, then said order
21 may be served by depositing a copy thereof in the
22 postoffice of said city, properly inclosed and ad-
23 dressed to such owner, lessee or agent at his last
24 known place of business or residence and prepay-
25 ing postage thereon. Such building or part
26 thereof shall, within ten days after said order shall
27 have been posted and mailed as aforesaid, or within
28 such shorter time, not less than forty-eight hours, as
29 in said order may be specified, be vacated, but said
30 board whenever it shall become satisfied that the
31 danger from said building or part thereof has
32 ceased to exist, or that said building has been re-
33 paired so as to be habitable, may revoke said order.
34 Whenever in the opinion of the board of health any
35 building or part thereof in said city, an order to
36 vacate which has been made by said board, is by
37 reason of age, defects in drainage, plumbing, in-
38 fection with contagious disease or ventilation, or
39 because of the existence of a nuisance on the
40 premises which is likely to cause sickness among
41 its occupants or among the occupants of other
42 property in said city, or because it makes other
43 buildings in said vicinity unfit for human habita-
44 tion or dangerous or injurious to health, or be-
45 cause it prevents proper measures from being car-
46 ried into effect for remedying any nuisance injuri-
47 ous to health, or other sanitary evils in respect of

48 such other buildings so unfit for human habitation
49 that the evils in or caused by said building cannot
50 be remedied by repairs or in any other way except
51 by the destruction of said building or of any por-
52 tion of the same, said board of health may order
53 the same or any part thereof to be removed.

1 SECT. 2. The city of Boston shall pay the
2 damages sustained by the owner of the building
3 by the destruction of the same, or the part there-
4 of, as determined on agreement between said
5 board of health and said owner, and if they can-
6 not agree the same shall be adjudged by a jury of
7 the superior court for the county of Suffolk, on
8 petition of said owner or board within one year
9 after said destruction, in the same manner as
10 damages are determined for the taking of land in
11 laying out streets and highways in the city of
12 Boston.

1 SECT. 3. This act shall take effect upon its
2 passage.