

SENATE . . . . . No. 225.

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Commonwealth of Massachusetts.

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SENATE, April 22, 1891.

The committee on Cities, to whom was referred the petition of the mayor of the city of Lynn for a Drainage Commission for the city of Lynn, also an order relative to the establishment of a Drainage Commission for the city of Lynn, with power to construct sewers and drains, make regulations concerning drainage, and such powers as are incident to the providing and maintaining of sewers and drains and a sewerage system, report the accompanying Bill.

For the Committee,

ARTHUR B. BREED.

## Commonwealth of Massachusetts.

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

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### AN ACT

To Establish a Drainage Board for the City of Lynn.

*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 council of the city of Lynn,  
2 as soon as may be after the acceptance of this act,  
3 as hereinafter provided for, by concurrent vote of  
4 both branches thereof, shall chose five persons  
5 citizens of Lynn who are not members of the city  
6 council, nor more than two of whom shall be  
7 residents of any one ward in said city, to consti-  
8 tute a drainage board of said city, to serve for  
9 the period of one year, two years, three years,  
10 four years, and five years respectively from the  
11 first Monday of April, eighteen hundred and  
12 ninety-one, and until their respective successors  
13 are elected; and thereafter the city council of  
14 said Lynn shall annually in the month of  
15 March elect, as above provided, a citizen of  
16 said city who shall be eligible as above provided

17 to serve as a member of said board for the  
18 term of five years from the first Monday of April  
19 or until his successor is chosen. Any vacancy  
20 occurring in said board may be filled for the  
21 unexpired term in the same manner and as pro-  
22 vided for an original election. The members  
23 of said board shall receive no compensation for  
24 their services as such members.

1   SECT. 2. Said board shall have exclusive author-  
2 ity, except as herein otherwise provided, in the  
3 locating, laying, making, maintaining, and repair-  
4 ing sewers and drains, and may make contracts for  
5 the purposes aforesaid, which contracts shall be  
6 the contracts of the city, provided the liability of  
7 the city thereunder shall not exceed the appro-  
8 priation of the city council therefor.

9   Whenever said drainage board shall adjudge  
10 that a sewer or drain, or an appurtenance of  
11 any sewer or drain in any public street, open  
12 travelled place, or in or over any land in said city  
13 is necessary for the public convenience or the  
14 public health, it shall prepare an estimate of the  
15 probable cost thereof. Such estimate, with an  
16 accompanying order for laying or constructing  
17 such sewer, drain, or appurtenances, shall be sub-  
18 mitted to the city council for its adoption or  
19 rejection, and shall not take effect until said city  
20 council shall concur therein.

1   SECT. 3. The city engineer for the time being  
2 shall be the clerk of said board, and shall make  
3 and keep a record of its doings, and certify the

4 same when necessary. He shall also make, or  
5 cause to be made, all plans and surveys required  
6 for the use of said board. He, or some person  
7 appointed in writing therefor by said board, may  
8 serve, by attested copy, all demands, notices, and  
9 citations necessary for the work to be done by  
10 the board, and the returns of service of either  
11 of them thereon shall be *prima facie* evidence;  
12 but this provision shall not exclude the service  
13 thereof by other parties.

1 SECT. 4. Said drainage board shall have  
2 power to make by-laws in reference to the use of  
3 public sewers and drains in said city which shall  
4 be subject to the approval of the city council, and  
5 shall have control of all sewers and drains in  
6 said city heretofore laid and constructed, and may,  
7 subject to the approval of said city council, deter-  
8 mine the conditions upon which private drains  
9 and sewers may be constructed or connected  
10 with public drains or sewers.

1 SECT. 5. All acts and parts of acts, and all pro-  
2 visions of the charter of the city of Lynn, incon-  
3 sistent herewith are hereby repealed.

1 SECT. 6. This act shall take effect on July one,  
2 eighteen hundred and ninety-one, provided it has  
3 been previously accepted by the city council of  
4 said city.