

HOUSE No. 758

By Mr. Hollis of Braintree, petition of the Massachusetts Selectmen's Association that cities and towns be authorized to require owners of excavated land to erect barriers or take other safety measures. Public Safety.

The Commonwealth of Massachusetts

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

AN ACT TO AUTHORIZE CITIES AND TOWNS TO REQUIRE OWNERS OF CERTAIN EXCAVATED LAND TO ERECT BARRIERS OR TAKE OTHER SAFETY MEASURES.

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 21 of chapter 40 of the General Laws is hereby
2 amended by striking out paragraph (19), as most re-
3 cently amended by chapter 24 of the acts of 1955, and
4 inserting in place thereof the following: —

5 (19) For requiring owners of land which has been ex-
6 cavated in whole or in part by the removal of soil, loam,
7 sand, gravel, rock, clay, sandstone or limestone to erect
8 barriers, or take other suitable measures to protect per-
9 sons for damages including personal injury or death in-
10 cident thereto. The penalty for violation of any ordi-
11 nance or by-law made hereunder shall be as follows:
12 — for the first offence, fifty dollars; for the second
13 offence, one hundred dollars; and for each subsequent
14 offence, two hundred dollars.

The Amendment of Chapter 100

in the Year One Thousand Nine Hundred and Twenty

1. That the following amendments be made to Chapter 100 of the Statutes of this State, to-wit:

2. Section 100-1 be amended to read as follows:

1. The first 21 of chapter 100 of the Statutes of this State is hereby amended by striking out paragraph (1) as read and inserting in lieu thereof the following:

1. (1) For any person who shall be found guilty of any offense under this chapter, the court may, in its discretion, impose a fine not exceeding one hundred dollars; or imprisonment for not more than six months; or both such fine and imprisonment; or take other suitable measures to protect the public health, safety or convenience; or to make reparation for any damage or injury to the public health, safety or convenience. The penalty for violation of any such statute or regulation shall be as follows:

10 - for the first offense, fifty dollars; for the second offense, one hundred dollars; and for each subsequent offense, two hundred dollars.