

# HOUSE . . . . . No. 677.

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[Bill accompanying the petition of the Board of Health of the town of  
Revere. Drainage.]

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## Commonwealth of Massachusetts.

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In the Year One Thousand Nine Hundred.

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### AN ACT

Relative to the Construction of Sewers in the Town  
of Revere.

*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 board of sewer commissioners  
2 of the town of Revere, acting in behalf of said  
3 town of Revere, shall have full power to con-  
4 struct, maintain and operate any system of sew-  
5 erage or sewage disposal, or any extension or  
6 addition to any such system as the town may  
7 have at any time heretofore accepted or adopted  
8 or such as it may hereafter accept and adopt, and  
9 said board may also construct, maintain and oper-  
10 ate such works as they may deem necessary in  
11 connection with said systems; and said board, for  
12 the purpose of providing surface or other drain-

13 age for any part of said town, guarding against  
14 the pollution of waters, and otherwise protecting  
15 the public health, may lay, make and maintain  
16 such main drains as they shall deem best, may  
17 deepen, widen and clear of obstructions any  
18 brook, stream or water course and may straighten,  
19 alter or divert the course of channels thereof and  
20 for these purposes shall have full power to take  
21 by purchase or otherwise any lands, flats, water  
22 rights, rights of way or easements in said town  
23 and may construct such sewers and main drains  
24 under or over any water course, bridge, railroad,  
25 highway or other way and may enter upon and  
26 dig up any private land, street or way, for the  
27 purpose of laying such sewers and main drains  
28 beneath the surface thereof, and of maintaining  
29 and repairing the same, and may do any and all  
30 things necessary or proper for the purpose of  
31 this act.

1 SECTION 2. Said board, in order to take lands  
2 in fee, flats, water rights, rights of way or ease-  
3 ments otherwise than by purchase or agreement,  
4 shall cause to be recorded in the registry of deeds  
5 for the county of Suffolk a statement signed by a  
6 majority of said board, containing a description  
7 thereof, as certain as is required in a conveyance  
8 of land, and specifying therein that the same are  
9 taken under the authority of this act; and upon  
10 such recording the title in the lands, flats, water  
11 rights, rights of way or easements described in  
12 such statement shall vest in said town of Revere  
13 which shall pay all damages therefor. Said board

14 at the time of such taking shall notify the owners  
15 thereof in writing and may agree with the person  
16 or corporation injured upon the damages sustained  
17 by any such person or corporation, for any taking  
18 of property or rights for the purposes aforesaid,  
19 and if the damages are not agreed upon a jury in  
20 the superior court for said county may be had,  
21 upon petition of the agrieved party, to determine  
22 the same, in the manner provided by law for de-  
23 termining the damages to be paid for land taken  
24 for highways; but no suit or petition shall be  
25 brought after two years from the date of the re-  
26 cording of the taking as herein provided.

1 SECTION 3. In every case of a petition for the  
2 assessment of damages or for a jury said town  
3 may at any time file in the office of the clerk of  
4 said court an offer in writing to pay the petitioner  
5 a sum therein specified as damages; and if said  
6 petitioner does not accept the same within ten  
7 days after notice of such offer, and does not  
8 finally recover a sum greater than that offered,  
9 not including interest from the date of offer on  
10 the sum so recovered, the town shall recover  
11 costs from the date of said notice, and the peti-  
12 tioner, if he recovers damages, shall be entitled  
13 to costs only to said date, to be taxed and collected  
14 on execution as in actions at law.

1 SECTION 4. The owners of estates benefited  
2 and abutting on streets or way, public or private,  
3 in which sewers have been laid, or shall hereafter  
4 be laid under the provisions of this act, shall pay

5 to said town of Revere towards defraying the  
6 cost of such sewers, systems of sewerage and  
7 sewage disposal an assessment or charge as fol-  
8 lows: Sixty-three one hundredths of a cent per  
9 square foot area within a depth of one hundred  
10 feet from the line of any street or way in which a  
11 sewer is constructed and in operation: *provided*,  
12 that no estate which has already paid a sewer  
13 assessment shall be reassessed, and that no estate  
14 abutting on any street or way in which a sewer  
15 has already been built by the written consent of  
16 the sewer commissioners, the abutting owners  
17 having paid the full cost of same, shall be as-  
18 sessed. The remainder of the cost of said system  
19 or systems shall be borne by the town. No par-  
20 ticular or other sewer from any estate or part of  
21 an estate, not already assessed or not liable to  
22 assessment or charge, as provided above shall be  
23 entered into a common sewer, except upon the  
24 payment of such an assessment or charge, and  
25 upon such other terms and conditions as the  
26 board of sewer commissioners shall fix and de-  
27 termine.

1 SECTION 5. Upon the completion of a sewer  
2 in any street or way, or portion of a street or way,  
3 public or private, included within any of said  
4 systems, and when the same is ready for use the  
5 board of sewer commissioners shall file a certifi-  
6 cate and plan in the town clerk's office or in such  
7 other town office as the board shall determine,  
8 designating the street or way, or portion of the

9 street or way, in which the sewer has been com-  
10 pleted, and setting forth the names of the sup-  
11 posed owners of the estates abutting and benefited,  
12 the area assessed and the amount of assessment  
13 or charge to be paid by each; and the said board  
14 shall forthwith make a demand in writing for the  
15 payment of said assessments or charges, and  
16 every such owner shall within three months after  
17 such demand is served on him or on the occu-  
18 pants of his estate, or sent by mail to the last  
19 address of said owner known to the board, pay  
20 the sum so assessed or charged, to the town tax  
21 collector: *provided*, that said board shall, on  
22 written request of any such owner made within  
23 said three months, apportion such assessment or  
24 charge into such number of equal parts or instal-  
25 ments not exceeding ten, as said owner shall state  
26 in such request, and they shall certify such appor-  
27 tionment to the assessors; interest from the date  
28 of said apportionment at the rate of six per centum  
29 per annum shall be added to each of said assess-  
30 ments or charges until they are paid, and one of  
31 said parts shall be added by the assessors to the  
32 annual tax on such estates for each year next  
33 ensuing, until all said parts have been so added,  
34 unless sooner paid, as hereinafter provided; and  
35 *provided, further*, that nothing herein contained  
36 shall be construed to prevent the payment at any  
37 time in one payment, notwithstanding its prior  
38 apportionment, of any balance of said assessments  
39 or charges then remaining unpaid; but interest  
40 on such balance at the rate of six per centum per

41 annum shall be paid to the date of such payment;  
42 and thereupon the town tax collector shall receive  
43 the same and shall certify such payment or pay-  
44 ments to the assessors, who shall preserve a  
45 record thereof.

1 SECTION 6. The assessment or charge under  
2 section five shall constitute a lien upon the  
3 estate, which shall continue for three years after  
4 said certificate is made and filed and demand is  
5 served as above provided, or, in case of appor-  
6 tionment, until the expiration of two years from  
7 the time the last instalment is committed to the  
8 collector; and said assessment, together with in-  
9 terest at the rate of six per centum per annum,  
10 may, with incidental costs and expenses, be levied  
11 by sale of such estate or so much thereof as shall  
12 be sufficient to discharge the assessment and in-  
13 terest and intervening charges; if the assessment  
14 is not paid within three months after service of  
15 said notice, or, if apportioned, within three months  
16 after any part has become due, such sale and all  
17 proceedings connected therewith shall be con-  
18 ducted in the same manner as sales for the non-  
19 payment of taxes; and real estate so sold may be  
20 redeemed the same as if sold for the non-payment  
21 of taxes, and in the same manner, such assessment  
22 or parts thereof may also be collected, by an  
23 action of contract, in the name of the town of  
24 Revere, against the owner of said estate, brought  
25 at any time within three years after the same has  
26 become due.

1 SECTION 7. Any person aggrieved by such  
2 assessment may, at any time within three months  
3 after service of the demand mentioned in section  
4 six of this act, apply to the superior court of said  
5 county for a jury to revise the same; but before  
6 making such application he shall give fourteen  
7 days' notice in writing of his intention so to do to  
8 the said commissioners, and shall therein particu-  
9 larly specify his objection to the assessment, to  
10 which specification he shall be confined before  
11 the jury.

1 SECTION 8. The said sewer commissioners  
2 may, with the consent of the board of metropoli-  
3 tan park commissioners, construct, maintain and  
4 operate sewers in any park, parkway, road or  
5 reservation controlled by said metropolitan park  
6 commissioners in the town of Revere, and may  
7 levy and collect assessments for same on abut-  
8 ting estates as provided in previous sections of  
9 this act.

1 SECTION 9. Said board of sewer commissioners  
2 may prescribe rules and regulations for the con-  
3 necting of estates and buildings with said main  
4 drains and sewers, and for the inspection of  
5 materials, construction, alteration or use of all  
6 connections and drains entering into such main  
7 drains or sewers, and may impose penalties not  
8 exceeding twenty dollars, for each violation of  
9 any such rule or regulation. Such rules or regu-  
10 lations shall be published not less than once a

11 week for three successive weeks in some news-  
12 paper published in said town of Revere, and shall  
13 not take effect until such publication has been  
14 made. The said sewer commissioners may lay,  
15 make and maintain particular sewers or drains  
16 from common sewers or main drains to the street  
17 line, and particular sewers or drains so laid shall  
18 be the property of the town. The owner of any  
19 estate benefited by such particular sewer shall  
20 pay to the town toward the cost thereof, and for  
21 the permanent privilege of using the same, such  
22 reasonable sum as said board shall determine; and  
23 said sum may be fixed at the estimated average  
24 cost of all such particular sewers or drains within  
25 the territory for which a system of sewers has  
26 been built or adopted. Said sewer commissioners  
27 may, if requested by the owner of any estate so  
28 to do, construct a particular sewer from the street  
29 line to any house or building and charge said  
30 owner the actual cost thereof.

1 SECTION 10. All the provisions of chapter  
2 fifty of the Public Statutes and of acts in amend-  
3 ment thereof or in addition thereto, pertaining to  
4 sewers and drains, also of chapter two hundred  
5 and forty-five of the acts of the year eighteen  
6 hundred and ninety-two, so far as the same are  
7 not inconsistent with this act, shall apply to the  
8 town of Revere, in carrying out the provisions of  
9 this act.

1 SECTION 11. This act shall take effect upon its  
2 passage.