

**HOUSE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:  
**Kevin J. Murphy**

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:  
**An Act prohibiting certain dumping in the city of Lowell.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Kevin J. Murphy	18th Middlesex

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## AN ACT PROHIBITING CERTAIN DUMPING IN THE CITY OF LOWELL.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           An Act prohibiting certain dumping in the city of Lowell

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3       SECTION 1. There shall be a pilot program in the City of Lowell to determine the effectiveness of  
4       permitting Cities to establish their own fines and other penalties for illegal dumping within the City limits  
5       and of further permitting cities to retain the revenues generated by such fines for the purpose of financing  
6       enforcement against illegal dumping.

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8       SECTION 2. Notwithstanding any general or special law, rule or regulation to the contrary, it shall be  
9       unlawful for any person in the City of Lowell, directly or indirectly, to dump, place, throw, deposit or  
10      discharge any refuse, rubbish, garbage, household goods, appliances or furniture, construction debris,  
11      landscaping debris, scrap, trash, or other material of any kind, on any way, public or private, appearing on  
12      the official map of the City of Lowell, or within 20 yards thereof, or on any land owned or controlled by  
13      the City.

14  
15      SECTION 3. Notwithstanding any general of special law, rule or regulation to the contrary, it shall be  
16      unlawful for any person owning, in whole or in part, directly or indirectly, any real property, including  
17      ownership of any right to pass and repass on a private way in the City, upon which any refuse, rubbish,  
18      garbage, household goods, appliances or furniture, construction debris, landscaping debris, scrap, trash or  
19      other material of any kind has been dumped, placed, thrown, deposited or discharged, to fail to remove  
20      such material within 7 calendar days of receipt of a written notice from any police officer, code inspector  
21      or such other officer or employee of the City of Lowell duly authorized by ordinance or order of the City  
22      Manager to remove and lawfully dispose of such material.

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24 SECTION 4. The City of Lowell may enforce section 2 by prosecuting criminal or civil actions in the  
25 housing court, superior court or the district court of Middlesex County, and may enforce section 3 by  
26 prosecuting civil actions in the same courts. No action commenced as a criminal action shall be  
27 converted to a civil enforcement action except with the consent of the City.

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29 SECTION 5. Any person convicted of violating section 2 shall be punished by a fine of not less than  
30 \$5,000 nor more than \$10,000, or by imprisonment in the house of correction for not more than 7 days, or  
31 by both such fine and such imprisonment.

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33 SECTION 6. After two years have passed from the passage of this Act, the Lowell City Council shall  
34 have the authority to change or modify the fines and penalties specified within the Act by majority vote  
35 after public hearing

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37 SECTION 7. Any person found responsible in a civil action of violating sections 2 or 3 of this act shall  
38 be required to pay a civil penalty of 3 times the amount, up to a maximum of \$5,000, estimated or  
39 actually paid by the City to remove such material from the property. The court may also issue other  
40 orders and injunctions to remedy the circumstances of each case.

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42 SECTION 8. All fines and penalties imposed for violations of this act shall be paid to the City of Lowell  
43 and shall be deposited in the General Fund.

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45 SECTION 9. This act shall take effect upon its passage.