



TOWN OF PLYMOUTH

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DT: January 20, 2017

FR: Pamela L. Borgatti *PMB*
Treasurer/Collector

TO: Advisory & Finance Committee

RE: Bylaw Amendment Licenses & Permits §109-1 through §109-6

This article requests an amendment to the bylaw for Licenses & Permits §109-1 through §109-6. This amendment will allow the bylaw to mirror Massachusetts General Law Chapter 40 §57 in accordance with recent changes that are a direct result of the Municipal Modernization Act which was effective on November 7, 2016.

To provide you with a brief history, in April 1987 by Article 5 at a Special Town Meeting, MGL c.40 §57 was adopted. In April 1993 by Article 14 Special Town Meeting then adopted bylaw 109 for the revocation of Licenses and Permits for failure to pay. In August 2016 the Governor signed an act to modernize municipal finance and government which has triggered this request.

The amendment to Licenses & Permits §109-1 through §109-6 will allow the Collector's office to increase collection efforts for delinquent taxes and fees owed to the town by refusing to issue or renew licenses and permits when there are outstanding taxes owed. And further, will allow for the revocation of licenses and permits when there are outstanding obligations owed.

Along with this memo you will find the proposed draft bylaw language showing the proposed changes. The language has also been submitted to town counsel for review.

Your thoughtful consideration of this matter is greatly appreciated.



LICENSES AND PERMITS

With Chapter 40, Section 57 changes as of November 7th, Municipal Modernization Act

Strikethrough = language removed

Bold & Underlined = language added

§ 109-1. Denial or revocation for failure to pay charges.

§ 109-2. List of delinquents.

§ 109-3. Notice and hearing; certificate of good standing.

§ 109-4. Payment agreements.

§ 109-5. Waivers.

§ 109-6. Exemptions.

[HISTORY: Adopted by the Special Town Meeting of the Town of Plymouth 4-3-1993 by Art. 14. Amendments noted where applicable.]

§ 109-1. Denial or revocation for failure to pay charges. [Amended 4-12-1995 ATM by Art. 33]

Any town board, officer or department may deny any application for, or revoke or suspend, **a building permit, or** any local license or permit, including renewals and transfers, issued by any such board, officer or department for any person, corporation or business enterprise who or which has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or other matter is carried out or exercised or is to be carried out or exercised on or about real estate whose owner has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges, in accordance with the following procedure.

§ 109-2. List of delinquents.

The Tax Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the "Tax Collector," shall annually **and may periodically,** furnish to each town department, board, commission or division, hereinafter referred to as the "licensing authority," that issues licenses or permits, including renewals and transfers, a list of any person, corporation or business enterprise, hereinafter referred to as the "party," that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges ~~for not less than a twelve-month period~~ and that such party has not filed in good faith a pending application for any abatement of such tax or a pending petition before the Appellate Tax Board.

§ 109-3. Notice and hearing; certificate of good standing. [Amended 4-12-1995 ATM by Art. 33]

- A. The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers, of any party whose name appears on said list furnished to the licensing authority from the Tax Collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the Tax Collector; provided, however, that written notice is given to the party and the Tax Collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than 14 days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party.

- B. The ~~Finance Director~~ **Tax Collector** shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension.
- C. Any license or permit denied, suspended or revoked under this chapter shall not be reissued or renewed until the licensing authority receives a certificate issued by the ~~Finance Director~~ **Tax Collector** that the party is in good standing with respect to any and all taxes, fees, assessments, betterments or other municipal charges payable to the municipality as of the date of issuance of said certificate.

§ 109-4. Payment agreements.

Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit, and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder shall be given notice and a hearing as required by applicable provisions of law.

§ 109-5. Waivers.

The Board of Selectmen may waive such denial, suspension or revocation if it finds that there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his or her immediate family, as defined in MGL c. 268A, § 1, in the business or activity conducted in or on said property.

§ 109-6. Exemptions.

This chapter shall not apply to the following licenses and permits: open burning (MGL c. 48, § 13); sales of articles for charitable purposes (MGL c. 101, § 33); children work permits (MGL c. 149, § 69) ; clubs and associations dispensing food or beverage license (MGL c. 140, § 21E) ; dog licenses (MGL c. 140, § 137) ; fishing, hunting and trapping licenses (MGL c. 131, § 12); marriage licenses (MGL c. 207, § 28); and theatrical events and public exhibition permits (MGL c. 140, § 181).