

**TOWN OF FRANKLIN
TREASURER-COLLECTOR
P.O. BOX 367 • 355 EAST CENTRAL ST.
FRANKLIN, MA 02038**

**JAMES P. DACEY, TREASURER-COLLECTOR
TELEPHONE (508) 520-4950
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Date: December 1, 2016
To: Jeff Nutting
From: Jim Dacey
Re: **Delinquent Taxpayers, Chapter 160**

The Municipal Modernization Act expanded collection remedies for tax collectors. Chapter 40, section 57 was amended eliminating the requirement that applicants be 12 months delinquent and allows cities and towns to deny, revoke, suspend or not renew licenses or permits for applicants not currently in “good standing” on taxes or other municipal charges.

The Town does not have to “re-accept” the statute but does have to amend Chapter 160 to include the changes.



TOWN OF FRANKLIN

BYLAW AMENDMENT 16-778

CHAPTER 160, TAXPAYERS, DELINQUENT

A BYLAW TO AMEND THE CODE OF THE TOWN OF FRANKLIN AT CHAPTER 160.

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL that Chapter 160 of the Code of the Town of Franklin is amended as follows:

Chapter 160. Taxpayers, Delinquent

§160-1. Statutory provisions.

- A. The Town of Franklin may deny any application for or revoke or suspend any local license or permit, including renewals and transfers, issued by any board, officer or department for any person, corporation or business enterprise who has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges 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 whose owner has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges.
- (1) 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 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, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board.
 - (2) 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 by 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 by 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. The Tax Collector shall have the right to intervene in any hearing made by the licensing authority with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such a 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. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the licensing authority receives a certificate issued by the Tax Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate.

- (3) 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; 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 be given notice and a hearing as required by applicable provisions of law.
- (4) The Town Council 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 immediate family, as defined in MGL c. 268, § 1,[\[1\]](#) in the business or activity conducted in or on said property.

[\[1\]](#) Editor's Note: See MGL c. 268A, § 1.

B. This section shall not apply to the following licenses and permits:

- (1) Open burning, MGL c. 48, § 13.
- (2) Bicycle permits, MGL c. 85, § 11A.
- (3) Sales of articles for charitable purposes, MGL c. 101, § 33.
- (4) Children work permits, MGL c. 149, § 69.

- (5) Clubs or associations dispensing food or beverage license, MGL c. 140, § 21E.
- (6) Dog licenses, MGL c. 140, § 137.
- (7) Fishing, hunting and trapping licenses, MGL c. 131, § 12.
- (8) Marriage licenses, MGL c. 207, § 28.
- (9) Theatrical events and public exhibition permits, MGL c. 140, § 181.

C. A city or town may exclude any local license or permit from this section by bylaw or ordinance.

This bylaw amendment shall become effective upon passage in accordance with the provisions of the Franklin Home Rule Charter.



DATED: _____, 2017

VOTED:
UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

Teresa M. Burr
Town Clerk

ABSTAIN _____

ABSENT _____

Judith Pond Pfeffer, Clerk
Franklin Town Council