

**By-law Authorizing Denial or Revocation of Local License or Permit for
Nonpayment of Local Taxes, Fees, or Other Charges in the Town of
Somerset
Annual Town Meeting
May 20, 2002
Article 34**

Pursuant to Chapter 40, Section 57, of the Massachusetts General Laws,

**By-law Authorizing Denial or Revocation of Local License or Permit for
Nonpayment of Local Taxes, Fees, or Other Charges in the Town of Somerset**

- (1) The Somerset Tax Collector or other Town official responsible for records of all municipal taxes, assessments, betterments, and other municipal charges, hereinafter referred to as the "Tax Collector", shall annually 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 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 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 before the licensing authority, to be held not earlier than fourteen days after said notice. Said list shall be prima facie evidence for denial, revocation, or suspension of said license or permit to any such party. The Tax Collector shall have the right to intervene and participate in any hearing conducted with respect to such license denial, revocation, or suspension.

- (3) 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 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 By-law shall not be reissued or renewed until the license authority receives a certificate issued by the 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 Town as of the date of issuance of said certificate.
- (4) Any such 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 or permit 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.
- (5) The Somerset Board of Selectmen may waive such denial, suspension, or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members if his immediate family as defined in Massachusetts General Laws chapter 268A, section 1, in the business or activity conducted in or on such property.
- (6) This By-law shall not apply to the following licenses and permits: open burning permits (Massachusetts General Laws chapter 48, section 13); bicycle permits (G.L. c. 85, sec. 11A); licenses for sales of articles for charitable purposes (G.L. c. 101, sec. 33); children work permits (G.L. c. 149, sec. 69); licenses for clubs, societies, associations, or other organizations dispensing food or beverage (G.L. c. 140, sec. 21E); dog licenses (G.L. c. 140, sec. 137); sporting, hunting, fishing, or trapping licenses (G.L. c. 207, sec. 28); and permits for theatrical exhibitions, public shows, public amusements and exhibitions (G.L. c. 140, sec. 181).

A True Copy Attest:

Dolores Berge, Town Clerk