



Article: 19

Warrant Article Title:

BYLAW AMENDMENT / ADDITION OF CERTAIN DELINQUENT MUNICIPAL FEES/FINES TO BE A LIEN ON REAL ESTATE TAX ACCOUNT

Warrant Article Text:

To see if the Town will vote to amend Title I, Article 21 (“Municipal Charges Liens”) of the Town Bylaws; to include in the placement of a lien or liens onto any real estate tax accounts, any fees, fines, or penalties levied by a Town and/or School department upon a resident property owner and/or non-resident property owner of the Town, where such fee, fine, or penalty is delinquent. Said amended Bylaw is in accordance with Section 58 of Chapter 40 “Municipal Charges Lien” of the Massachusetts General Law; or take any action related thereto.

Requested By:

the Town Manager

Report Excerpt:

Vote and comment to Town Meeting - Favorable Action (5-0).

The Board voted unanimously to recommend favorable action on this warrant article that seeks to streamline the process by which the town recovers delinquent fees and charges. The Board heard from the Town Manager who reported that the article proposes to add eight new categories of fees and charges that could be subject to a municipal charges lien in accordance with the authority set forth in G.L. c. 40, §58. The statute authorizes cities and towns to impose a lien for any municipal charge once authorized by a town meeting vote. If adopted, this expanded

process for placement of municipal charges liens would reduce the need for the town to seek recovery of delinquent fees and charges by filing individual lawsuits or seeking criminal complaints; the costs associated with doing so often exceed the fees or charges being sought. Accordingly, recovery of costs due to the town in certain instances could be collected more efficiently.

[The Finance Committee] supports the Town Manager's and the Select Board's efforts to update the Town's fee structure to more accurately reflect the true cost of services delivered to our residents and strengthen the Town's enforcement mechanisms to ensure compliance with our Bylaws. Accordingly, the Finance Committee recommends favorable action on Articles 16, 17 and 19. (13-1-0)

Vote Language:

That the Town does and hereby amend Title I, Article 21 of the Town's Bylaws so that it reads:

*ARTICLE 21
MUNICIPAL CHARGES LIENS
(ART. 26, ATM – 05/06/2009), (ART. 23, ATM – 05/27/11)*

In accordance with Chapter 40, Section 58, of the General Laws, Municipal Charges Liens may be placed on real property located within the Town of Arlington related to the following Town charges:

- a) parking-violation charges
- b) motor-vehicle excise taxes
- c) rental charges for town or school property and facilities
- d) public-safety details
- e) license, permit, and inspection fees
- f) charges assessed for snow and ice removal under Title III, Article 1, Sections 24, 25, and 26 of these Bylaws

- g) charges assessed for enforcement of Junk Car remediation under Title V, Article 2, Section 2 of these Bylaws;
- h) charges assessed for enforcement of Minimum Standards of Fitness for Human Habitation under the State Sanitation Code;
- i) charges assessed for removal of a “public health nuisance” defined by G.L. c. 111 sec. 125;
- j) **charges assessed for Zoning Bylaw violations;**
- k) **charges assessed for leaf blower violations under Title V, Article 12, Section 6 of these Bylaws;**
- l) **charges assessed for outdoor lighting violations under Title V, Article 14, Section 6 of these Bylaws;**
- m) **charges assessed for tree protection and preservation violations under Title V, Article 16, Section 5 of these Bylaws;**
- n) **charges assessed for vacant storefront maintenance registry violations under Title V, Article 17, Section 7 of these Bylaws;**
- o) **charges assessed for Building Code violations under Title VI, Article 3, Section 1 of these Bylaws;**
- p) **charges assessed for residential construction site control and maintenance violations under Title VI, Article 9 of these Bylaws;**
- q) **charges assessed for dog and kennel related violations under Title VIII, Article 2, Sections 1-5 of these Bylaws;**

[Select Board Report](#)