

# TOWN OF UPTON



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*By Kelly A. McElreath at 2:59 pm, Apr 22, 2013*

TEXT OF VARIOUS WARRANT  
ARTICLES

ANNUAL TOWN MEETING ARTICLES:  
11 & 12

**MAY 9, 2013**

## **ARTICLE 11 – Permits/Payment of Taxes**

### **Authority to Deny License or Permit**

The Town of Upton 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 board, officer, 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, including amounts assessed under the provisions of MGL c. 40, § 21D, 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.

### **List of Delinquent Taxpayers**

The Tax Collector shall annually 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 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.

### **Denial, revocation or suspension of license or permit.**

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.

- A.** Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party.
- B.** The Tax Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension.
- C.** 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.

D. 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.

#### 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 be given notice and a hearing as required by applicable provisions of law.

#### Waivers.

The 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 of his immediate family, as defined in MGL c. 268A, § 1, in the business or activity conducted in or on said property.

#### Exemptions.

This bylaw shall not apply to the following licenses and permits:

- A. Open burning, MGL c. 48, § 13.
- B. Bicycle permits, MGL c. 85, § 11A.
- C. Sales of articles for charitable purposes, MGL c. 101, § 33.
- D. Children work permits, MGL c. 149, § 69.
- E. Clubs, associations dispensing food or beverage licenses, MGL c. 140, § 21E.
- F. Dog licenses, MGL c. 140, § 137.
- G. Fishing, hunting and trapping licenses, MGL c. 131, § 12.
- H. Marriage licenses, MGL c. 207, § 28.
- I. Theatrical events and public exhibition permits, MGL c. 140, § 181.

**ARTICLE 12: APPOINTED TOWN CLERK**

**SECTION 1.** Notwithstanding any general or special law to the contrary, the office of Town Clerk in the town of Upton shall be appointed and may be removed by the Town Manager. The Town Clerk shall have all the powers, perform the duties and be subject to the liabilities and penalties now or hereafter conferred and imposed by law on town clerks. The Town Manager may establish an employment contract with the Town Clerk for salary, fringe benefits and other conditions of employment, including, but not limited to, severance pay, reimbursement for expense incurred in the performance of the duties of office, liability insurance, and conditions of discipline, termination dismissal, reappointment, performance standards and leave.

**SECTION 2.** Notwithstanding section 1, upon the effective date of this act, the position of elected Town Clerk shall be abolished and the term of the elected incumbent terminated. The elected incumbent shall thereupon become the first appointed Town Clerk, and shall serve in such capacity for a period of time equivalent to the remainder of the elected term or sooner resignation, retirement or removal. Thereafter, appointments to the position of Town Clerk shall be made by the Town Manager in accordance with said section 1.

**SECTION 3.** This act shall take effect upon its passage.