

Bylaw Establishing Municipal Charges Lien Tolland, Massachusetts

Section 1. Authority

This by-law is adopted pursuant to the authority of M.G.L. c. 40, § 21 and c. 40 § 58. and any other relevant statutes and regulations.

Section 2. Purpose

The purpose of the establishment of a Municipal Charges Lien is to provide a cost effective method of collecting a charge, fine, penalty and/or fee assessed against an owner of real property in the Town who fails, and/or refuses to pay said charge or charges, fine or fines, penalty or penalties and/or fee or fees when due, by placing a lien upon real estate owned by the property owner.

Section 3. Charge and/or Fee

The Municipal Charges Lien shall apply to the following municipal charges and/or fees:

- a) Charges, penalties, fines or fees, including interest and all costs to record said lien(s) in the Hampden County Registry of Deeds, for violations of the Town of Tolland Zoning Bylaw, including the Personal Wireless Services Facility Bylaw.
- b) Charges, penalties, fines or fees, including interest and all costs to record said lien(s) in the Hampden County Registry of Deeds, for violations of the following Town of Tolland general bylaws:
 - Animal Control / Dogs Bylaw
 - Commercial Vehicles Posting Bond Bylaw
 - House Numbering Bylaw
 - Hunting Bylaw
 - Junk Car Bylaw
 - Logging Bylaw
 - Noyes Pond Prohibition Internal Combustion Engines Bylaw
 - Recycling Bylaw
 - Snow Removal Bylaw
 - Winter Parking Ban Bylaw
- c) Charges, penalties, fines or fees, including interest and all costs to record said lien(s) in the Hampden County Registry of Deeds, for violations of the Town of Tolland Sub-Division Control Rules and Regulations.

Section 4. Lien Takes Effect

The Municipal Charges Lien will take effect upon the recording of a statement of unpaid municipal charges, fines, penalties and fees, setting forth the amount due, including recording costs, the address(es) of the land to which the lien is to apply and the name of the assessed owner.

Section 5. Collection of the Lien

- a) The Tax Collector shall be in charge of collecting the lien.
- b) The Treasurer who is the person responsible for collecting the charge, fine or penalty shall notify the Assessors of all unpaid tickets that have not been paid or appealed to the court at the end of each month.
- c) The Assessor shall prepare a statement of Municipal Charges Lien for each person from the list(s) received from the Town Clerk or person responsible for collecting the charge, fine or penalty and shall forward said statement of lien to the Tax Collector who shall cause said statement(s) to be recorded in the Hampden County Registry of Deeds.

Section 6. Unpaid Municipal Charges Liens

- a) If a charge, fine, penalty or fee secured by the lien is unpaid when the Assessors are preparing the real estate tax list and warrant, the Tax Collector shall certify the charge or penalty to the Assessors' Department and the Assessors shall add the charge or fee to the next property tax bill to which it relates, and commit it with the warrant to the collector as part of the tax.
- b) If the property to which the charge, fine, penalty and/or fee relates is tax exempt, the charge or fee shall be committed as a tax on said property.

Section 7. Release of Lien

The Municipal Charges Lien may be discharged by filing a certificate from the Tax Collector that all municipal charges or fees constituting a lien, together with any interests and: costs have been paid or legally abated. All costs of recording or discharging a lien under this section shall be borne by the owner of the property.

Adopted at Special Town Meeting on March 28, 2005

Approved by Massachusetts Attorney General on November 16, 2005