

CHAPTER 1 GENERAL PROVISIONS

1.1. ADOPTION OF AND AMENDMENTS TO THE BY-LAWS

- 1.1.1. The following provisions shall constitute the by-laws of the Town of Duxbury. The acceptance and approval of these by-laws shall specifically repeal any and all general by-laws previously in force. Whenever reference is herein made to these by-laws, it shall include these by-laws as they may from time to time be amended. The invalidity of any chapter, section or provision of these by-laws shall not invalidate any other chapter, section or provision.
- 1.1.2. The repeal of a by-law shall not thereby have the effect of reviving a by-law previously repealed. The repeal of a by-law shall not affect any act done, or any right accrued or established, nor any action in a civil case, nor affect any punishment, penalty or forfeiture incurred under such by-law.
- 1.1.3. Any or all of these by-laws may be repealed or amended or other by-laws may be adopted by a majority vote, except as may otherwise be required by statute, at any town meeting, provided that an article or articles for that purpose have been inserted in the warrant for such town meeting.
- 1.1.4. In accordance with M.G.L. c. 40, Sec. 21D, whoever violates any of the provisions of these by-laws shall, unless other provision is expressly made, forfeit and pay a fine not exceeding \$300.00. Each day the violation continues shall be considered a separate offense. Schedules of fines assessed for such violations shall be set by the Board of Selectmen unless another officer, board, committee or commission is specifically authorized to do so elsewhere in these by-laws. In all instances, non-criminal penalties pursuant to M.G.L. c.40, Section 21D, shall be established following the procedures that govern the setting of fees in Section 7.8.
- 1.1.5. Enforcement of these by-laws through criminal or non-criminal proceedings shall be prescribed in Section 4.7.
- 1.1.6. Harbormaster Non-Criminal R & R-The Town May enforce any provision of any rule and regulation adopted by the Selectmen and published in the Board of Selectmen's Manual through the Non-Criminal process set forth in M.G.L. Ch. 40:21D.

Constructive Approval-M.G. L. Ch. 40:32-Published-Dec. 15, 2004 and Dec. 22, 2004

1.2. ACTS OF THE LEGISLATURE ACCEPTED BY THE TOWN

1.2.1. The Town Clerk shall attach as Appendix A a current list of all Acts of the Legislature accepted by the Town.

1.3. ISSUANCE, DENIAL OR REVOCATION OF LICENSES AND PERMITS FOR NONPAYMENT OF TAXES

1.3.1 License and Permit issuing authorities of the Town of Duxbury may deny or revoke any local license or permit, (except those listed in section 1.3.2(e) below) including renewals and transfers thereof, to any person, corporation or business enterprise having neglected or refused to pay any local tax, fee, assessment or betterment or any other municipal charge.

1.3.2. Any such denial or revocation of a license or permit shall be subject to the following procedures and conditions:

(a) 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.

(b) The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers to 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 not earlier than fourteen (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 conducted 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 proceeding and shall not be relevant to or introduced in any 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 license 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 town as of the date of issuance of said certificate.

(c) 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.

(d) 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 or her immediate family, as defined in M.G.L. c.268, sec. 1, in the business or activity conducted in or on said property.

(e) This section shall not apply to the following licenses and permits: open burning; M.G.L. c. 48, sec. 13; bicycle permits; M.G.L. c. 85, sec. 11A; sales of articles for charitable purposes, M.G.L. c. 101, sec. 33; children's work permits, M.G.L. c. 149, sec. 69; clubs and associations dispensing food or beverage licenses; M.G.L. c. 140, sec. 21E dog licenses, M.G.L. c. 140, sec. 137; fishing; hunting and trapping licenses, M.G.L. c. 131, sec. 12; marriage licenses, M.G.L. c. 207, sec. 28; and theatrical events, public exhibition permits, M.G.L. c. 140, sec. 181.