

## **Code Enforcement Liens Bylaw: June 14, 2021**

### **Section 1. Authority**

This bylaw is adopted pursuant to the authority of G,L. c. 40, s. 21 and c. 40 s. 58 and pursuant to the Home Rule Amendment of the Massachusetts Constitution.

### **Section 2. Purpose**

The purpose of the establishment of a Code Enforcement 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 the same 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 municipal charge, 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:

- a. The Town of Chester Zoning Bylaw.
- b. The State Building Code.
- c. The following General Bylaws of the Town of Chester:
  - i. Hunting Bylaw
  - ii. Junk Car Bylaw
  - iii. Dog Control Bylaw
- d. The Sanitary Code; and
- e. Board of Health regulations.

The Code Enforcement 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 responsible for collecting the lien.
- b. The Treasurer shall notify the Assessors of all code enforcement tickets that have not been paid or appealed to the court at the end of each month.
- c. The Assessors shall prepare a statement of Code Enforcement Lien for each person from the list(s) received from the person responsible for collecting the 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 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 Code Enforcement 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 bylaw shall be borne by the owner of the property.