

TITLE 3

REVENUE AND FINANCE

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I. FISCAL PROCEDURES GENERALLY

3-1 Authority of Mayor to draw orders--Execution of notes and bonds.

- A. The Mayor is authorized to draw orders on the treasurer for the payment of accounts and claims allowed and certified by the committee on accounts or approved by the auditor, as provided in Sections 2-112 through 2-117, and as otherwise provided by law.
- B. No money shall be paid out of the City treasury except upon the written order of the Mayor, countersigned by the auditor; provided, however, that the treasurer may pay any sum of money due upon orders drawn by the board of cemetery commissioners out of its funds in accordance with the provisions of Chapter 109 of the Acts of 1884, as amended.
- C. The Mayor shall sign all notes and bonds issued by authority of the City Council. (Prior Ch. 14 sec. 6).

3-2 Annual audit.

- A. On or before February 1st of each year the Mayor shall order a complete audit of the books of the City and a report of such audit, in triplicate, shall be presented to him, one copy of which shall be referred to the City Council immediately after

receipt of the same. (Prior Ch. 14 sec. 8).

- B. That the independent auditor engaged by the City pursuant to Section 3-2(A) shall present on an annual basis to the each Alderman a copy of the Independent Auditor's Report, including financial statements, recap sheets, deficiencies and recommendations, and the independent auditor shall on an annual basis meet with the City Council Finance Committee to present an explanation of the Independent Auditor's Report.

3-3 Budget.

- A. The Mayor shall furnish to the City Council, individually, a copy of the annual budget for the current year, setting out therein an itemized and detailed statement of the money required for each department, clearly specifying the amount to be spent for each particular purpose.
- B. Each department of the City, excluding the school department, shall set forth in its annual budget the name of each employee of the department, together with the amount of the annual salary paid to and the job title of each employee. This information is to be contained in the annual budget when submitted to the City Council for action thereon. (Prior Ch. 14 sec. 9).
- C. The City Auditor shall, on a monthly basis, submit to the City Council a copy of all receipts accounts. (Added 5/18/93)
- D. The City Council shall hold a Public Hearing on the annual budget on the second Monday in June commencing at 7:00 p.m. in the City Council Chambers. The City Clerk shall advertise in at least one (1) newspaper in the City of Woburn during the month of May the date, time and purpose of the Public Hearing. A copy of the annual budget shall be posted in the Rotunda of City Hall for inspection by the public. (Added 10/9/98, 8/24/2007)
- E. Water and Sewer Enterprise Fund

The allocation of Indirect Costs to each department in the annual budget of the City of Woburn Water and Sewer Enterprise Fund shall be as follows:

City Council.....	2.00%
Mayor	4.50%
City Auditor	7.00%
Purchasing Agent.....	7.00%
Assessors	1.00%
City Treasurer/Collector	12.50%
City Solicitor	5.00%

Data Processing.....	5.00%
City Clerk	1.00%
Human Resources	2.55%
Conservation.....	4.50%
Planning.....	5.00%
City Engineer	40.00%
DPW Administration Salary.....	35.00%
DPW Building Salary.....	8.00%
DPW Highway Salary.....	18.00%
DPW Overtime	20.00%
DPW Admin Maintenance	20.00%
DPW City Hall Maintenance	0.00%
DPW Vehicle Insurance	25.00%
DPW Surface Drainage.....	0.00%
DPW Street Maintenance.....	10.00%
DPW Snow Removal	5.00%
DPW Traffic Control	0.00%
DPW Street Lighting	0.00%
DPW Repair and Resurface.....	10.00%
DPW Sidewalk Repair.....	20.00%
DPW City Garage	20.00%
DPW Telephone.....	0.00%
DPW Gas and Oil.....	20.00%
DPW Vehicle Maintenance.....	25.00%
DPW Public Buildings Maintenance	10.00%
DPW Outlays	20.00%
Board of Health	5.00%
Unemployment Compensation.....	1.00%
Health Insurance.....	1.00%
Worker's Compensation.....	1.00%
Retirement.....	1.00%
Non-Contributory Retirement.....	1.00%
Medicare	1.00%

(added 9/17/2003; amended 8/24/2007; 10/28/2008)

F. Appropriations, Transfers or Loans

Any original appropriation or appropriation by transfer or loan in a sum in excess of Ten Thousand Dollars (\$10,000.00) filed with the city council for approval shall have attached thereto a written report prepared by the department head setting forth a reasonable cost estimate of the project, materials, supplies and/or labor for which the appropriation shall be used and any supplemental documentation that will support the estimate. (added 8/24/2007)

G. Review of Appropriations and Transfers

Before final action may be taken, any original appropriation or appropriation by transfer or loan in a sum in excess of One Hundred Thousand Dollars (\$100,000.00) filed with the City Council for approval shall be referred to and reported upon by the City Council Committee on Finance after a presentation of the particulars of the matter by the City Auditor and such other department heads as the City Council may direct. The City Council may, by unanimous vote, vote to suspend this provision. (added 4/16/2013)

3-4 Fees, charges and commissions to be paid into the treasury.

Every officer receiving a salary from the City, for whose services any fees, charges or commissions are allowed by law, shall, on or before the fifth day of each month pay such fees, charges or commissions into the City treasury to become the property of the City, and shall at the same time send to the auditor a detailed statement of the amount of the moneys collected by him, including the money received for all licenses. (Prior Ch. 16 sec. 13).

3-4A Department money receipts to be paid into the treasury

All City departments shall turnover to the City treasurer any taxes, fees or other monetary receipts daily, and shall at the same time send to the City auditor a detailed statement of the amount of the monies collected and turned over to the Treasurer. Any department, with prior approval from the treasurer, shall deposit all cash receipts directly to the account specified by the treasurer, providing the treasurer with a written notice of each deposit together with the deposit receipt provided by the bank. (added 2/9/2006)

3-5 Annual report of officers, boards and committees.

All officers, boards and committees having charge of City property or entrusted with the receipt and expenditure of money shall, unless otherwise provided, report to the City Council annually on or before the 15th day of January. They shall, whenever requested by the City Council report to it in writing, information with respect to their respective departments, and the officers, boards and committees, upon the request of any member of the City Council, shall disclose to him such information. (Prior Ch. 16 sec. 14).

3-6 Disposal of old and unnecessary material.

A. Every officer, department head or board in charge of a department who decides that a vehicle or any material coming under the supervision of such

department or board or officer is no longer useful or needed by that department shall so notify the City Council of that decision.

- B. The City Council shall decide, after deliberations with any other department which may be interested in the obtaining or transfer of said vehicles and material for their department whether the City shall sell, convey or put up for public auction any vehicle or material that the City Council decides by a majority vote is no longer needed by the City.
- C. The vote of the City Council shall require the approval of the Mayor as prescribed in the Charter.
- D. After the approval of the City Council by a majority vote of its members and after the approval of the Mayor as governed by the structure and procedure of Section 25 of the City Charter, the officer, department head or board who had the supervision of the vehicles and material shall record in a book kept for the purpose the manner of the disposal of the vehicles and materials.
- E. The records shall show the manner in which the vehicles and material was disposed of and the money received, if any, for the vehicles and material.
- F. The board or officer shall make out bills for the sale of the same and he shall deliver them to the treasurer, and at the same time deliver them to the auditor who shall record them in a book kept for the purpose.
- G. In no case shall the City sell, convey, lease or put up for public auction any vehicle or material unless approved by a majority vote of the City Council. (Prior Ch. 16 sec. 15).

3-7 Bills and demands against City.

Every officer and board in charge of a department and every committee of the City Council in whom is vested the approval of bills, shall, on or before the fifth day of each month, send to the auditor all bills and demands against the City which have been received and approved by such officer or board, in such form and with such approval as the auditor may require, together with such vouchers, schedules, requisitions and evidences of authority under which the expenditure was incurred, as the auditor may require. (Prior Ch. 16 sec. 16).

3-8 Weekly and monthly payroll.

- A. Every officer and board in charge of a department shall prepare a weekly payroll of all the employees in the department, to and including Saturday of each week, and shall send the same to the auditor within forty-eight hours after

the close of the period covered by such payroll; but the name of any person whose payment weekly is not required by law, shall not be placed on such payroll, and if such person desires to have his name on the monthly payroll.

- B. Every officer and board in charge of a department shall prepare a monthly payroll for the payment of all officers and subordinates not paid on the weekly payroll, and send the same on the third day of each month to the City auditor. (Prior Ch. 16 sec. 17).

3-9 Auditor to authorize purchases.

No department head or board shall authorize any work or purchase of any vehicle or material without first having written authorization from the City auditor, stating that the money is available by way of a duly passed appropriation by the City Council in the budget. (Prior Ch. 16 sec. 18).

3-10 Travel and expense accounts in election year.

- A. No travel or expense account, in a City election year, shall be expended beyond the month of December of said year, by more than 1/2, for any elected or appointed position.
- B. If the ordinance codified in this section is violated, the City solicitor shall take necessary steps to recover any amount of money so over expended. (Prior Ch. 16 sec. 9).

3-11 Hiring of carriages and automobiles.

No carriage or automobile shall be hired at the expense of the City except upon an order signed by the Mayor, the president of the Council or the acting chairman of a board or of a committee of the City Council. The order shall state the purpose for which the carriage is required and shall accompany the bill as a voucher. (Prior Ch. 16 sec. 20).

II. PURCHASING

3-12 Duties--Purchasing procedures.

- A. In accordance with the provisions of the Uniform Procurement Act, M.G.L. Chapter 30B (including Amendments), the Purchasing Agent is designated as the Chief Procurement Officer for the City and shall oversee the procurement function in conformity with the Statute.

- B. The Purchasing Agent shall, upon the written requisition in writing by the Head of any City Department, purchase all supplies required by such Department. The Purchasing Agent shall approve all work/service orders prior to their presentation to the City Auditor that sufficient funds are appropriated for the order.
- C. Formal written contracts shall be required for procurements of \$5000 or more. The Purchasing Agent shall maintain a file on each such contract and shall include in the file a copy of all written documentation required by Statute. The City shall make no payment for a supply or service rendered prior to the execution of the formal written contract.
- D. The procurements of all supplies or services exceeding Ten thousand dollars, but less than Twenty five thousand dollars, shall be made by seeking written quotes from at least three prospective suppliers who customarily provide such supply or service. A record of the names and addresses of all persons from whom quotations were sought, the names of the persons submitting quotations, the date, and the amount of each quotation shall be kept with each procurement. The Purchasing Agent shall award the contract to the responsible person offering the needed quality of supply or service at the lowest quotation. (amended 10/6/2000; amended 5/23/2014)
- E. Procurement contracts in the amount of Twenty five thousand dollars or more, other than the contracts for procurement of real property, shall conform to the competitive sealed bidding procedures set forth in the Statute (M.G.L. 30B, as amended). The invitation for bid shall include the following information:
 - a. The time and date for receipt of bids, description of what is to be purchased, all evaluation criteria that will be used in determining acceptability, and the contract terms and conditions applicable to such purchase.
 - b. Give public notice by posting in a conspicuous place, publication in a local newspaper, and, if the amount is at a threshold level set by the Secretary of State, publication in the Goods and Services Bulletin.
 - c. Open the bids publicly; evaluate the bids on the requirements and criteria set forth in the invitation for bids; unconditionally accept a bid without alteration or correction, except as provided by Law and award the contract to the lowest responsible and responsive bidder.

(amended 10/6/2000)

- F. The Purchasing Agent may enter into procurement contracts in the amount of

Twenty five thousand dollars or more by utilizing competitive sealed proposals. The Purchasing Agent shall not solicit competitive sealed proposals unless he has determined in writing that selection of the most advantageous offer requires comparative judgments of factors in addition to price specifying the reasons for his determination. The solicitation and public notice requirements for competitive proposals shall be the same as for the process outlined for competitive bids except that:

- a. The Purchasing Agent shall not open the proposal publicly, but shall open them in the presence of one or more witnesses at the time specified in the request for proposals.
- b. The Purchasing Agent shall designate the individual or individuals responsible for the evaluation of the proposals on the basis of criteria other than price. The designated individuals shall prepare their evaluations based solely on the criteria contained in the request for proposals. The evaluations shall be in writing and include a rating for each proposal and the reasons for the rating.
- c. The Purchasing Agent shall determine the most advantageous proposal from a responsible and responsive offeror taking into consideration price and the evaluation criteria set forth in the request for proposals.
- d. If the Purchasing Agent awards the contract to an offeror who did not submit the lowest price, he/she shall explain the reasons for the award in writing.

(amended 10/6/2000)

- G. Sole source procurements may be undertaken on all procurements under Twenty five thousand dollars upon certification by the Purchasing Agent that only one practicable source for the supply or service exists. In addition, library books, school textbooks and public utility services may be procured noncompetitively in any amount upon certification by the Purchasing Agent that only one practicable source exists. All such certifications shall be on file for public inspection at the Purchasing Agent's office. (amended 10/6/2000)
- H. Unless authorized by a majority vote by the City Council, the Purchasing Agent may not solicit or award a contract for a term greater than three years, including renewals, extensions or options.
- I. The Purchasing Agent may make an emergency procurement without following M.G.L. Chapter 30B whenever the time required for compliance with the requirement would endanger the health or safety of the people or their

property. Documentation must be kept on file for public inspection in the Purchasing Agent's office relating to any emergency procurement.

- J. The Purchasing Agent shall procure all supplies and services for the School Department in accordance with all procedures and regulations defined in this section 3-12.
- K. The Purchasing Agent shall assist the Mayor and the City Council in applying for and administration of Federal or State Grant Programs. (Ords. dated 10/21/86; 5/4/84; Ord. dated 8/18/87, prior Ch. 21, {2}; Ordinance dated 4/17/90, without Mayor's Signature; *Subsections D., E. F., amended August 15, 1990, by substituting ten thousand for Six Thousand Five Hundred.).

3-13 Requisitions for supplies--Emergency situations.

- A. Every officer in charge of a department requiring materials and other supplies shall obtain the same from the purchasing agent by means of a requisition therefor on blanks to be prepared by the purchasing agent.
- B. No officer, department head, board or commission authorized to spend money shall make requisitions on the purchasing agent for purchasing of supplies or materials until funds are available therefor unless an emergency arises and supplies and materials are needed, the emergency to be determined by the department head. (Prior Ch. 21 sec. 3).

3-14 Account books--annual report.

The purchasing agent shall in his annual report include a statement of the cost of all supplies furnished each department and officer. (Prior Ch. 21 sec. 4).

3-15 Rejection of bids.

The purchasing agent, with the approval of the Mayor, may accept or reject any bid, when to do so the best interests of the City will be furthered. (Prior Ch. 21 sec. 5).

3-16 Contracts and bidding--Definitions--Conditions.

- A. Every contract for the construction, reconstruction, alteration, remodelling or repair of any public work in the City, all contract work done by a private contractor, the contractor shall furnish his own material and equipment. The word "material," as used in this section, means and includes pipes (water and sewer), brick, mortar, concrete, wood, sand, plaster, gravel, loam, bituminous, sand, etc. It also includes any article, assembly, system or any component part thereof.

- B. Rental of equipment for construction, reconstruction, alteration, remodeling, repair or plowing of streets, or any public work for the City shall be awarded to the lowest responsible and eligible bidder.
- C. The term "lowest responsible and eligible bidder" means the bidder whose bid is of the lowest of those bidders possessing the skill, ability and integrity necessary for the faithful performance of the work. (Prior Ch. 21 sec. 6).

3-17 Full disclosure in connection with lease or sale of property.

No agreement to lease or sell real or personal property to the City shall be valid and no payment shall be made to the lessor or seller of such property until a statement has been filed, under the penalties of perjury, with the City auditor and the City Clerk, by the lessor or seller, giving the true names and addresses of all persons who have a direct or indirect beneficial interest in the property. (Prior Ch. 21 sec. 7).

3-18 Advertising of legal notices.

All advertising required by law for contracts, projects, materials, services and notification for taxpayers of the City must first be inserted by the officials, departments, agencies and authorities in a newspaper of general circulation in the City. A newspaper becomes eligible for advertising only immediately after twelve (12) consecutive months of circulation. Said newspaper must be printed and distributed daily or weekly and contain news articles of opinion, features and advertising pertaining to the City of Woburn. (Prior Ch. 21 sec. 8). (Amended 7/24/92).

3-18A Conflict

If there is a conflict between any of the provisions contained in Sections 3-12 through 3-18 of the 1989 Woburn Municipal Code and any of the provisions of M.G.L. Ch. 30B, the provisions of M.G.L. Ch. 30B shall be deemed to supercede the provisions of the 1989 Woburn Municipal Code. (added 10/6/2000)

3-18B Designer Selection Procedures

- A. The provisions of this section shall apply to contracts for design services for any building construction, reconstruction, alterations, remodeling or repair project that has both an estimated construction cost of more than \$100,000 and an estimated design fee of \$10,000 or more, provided, however, that the estimated said dollar amount thresholds may be increased pursuant to General Laws, Chapter 7, Section 38C. The provisions hereof shall apply only to such contracts for design services at or in excess of said dollar threshold amounts.

The terms “design services” and “designer” shall have the meanings as set forth in General Laws, Chapter 7, Section 38A 1/2, as the same may be amended from time to time.

- B. The City of Woburn, acting by and through its Mayor, (“Approving Authority”) has the authority to conduct the design selection process for the City, the Approving Authority may delegate any duties described herein to the extent such delegation is permissible by law.
- C. The Approving Authority may designate the individual or group of individuals (hereinafter referred to as “the Committee”) who will conduct the design selection process.

No member of the Committee shall participate in the selection of a designer for any project if the member, or any of the member’s immediate family:

- a. has a direct or indirect financial interest in the award of the design contract to any applicant;
 - b. is currently employed by, or is a consultant to or under contract to, any applicant;
 - c. is negotiating or has an arrangement concerning future employment or contracting with any applicant; or
 - d. has an ownership interest in, or is an officer or director of, any applicant.
- D. A Request for Qualifications (RFQ) for each contract subject to these procedures shall be advertised in a newspaper of general circulation in the locality of the building project, in the Central Register published by the Secretary of the Commonwealth, and in any other place required by the Approving Authority, at least two weeks before the deadline for filing applications.
 - E. The advertisement shall contain the following information:
 - a. a description of the project, including the specific designer services sought, the time period within which the project is to be completed, and if available, the estimated construction cost;
 - b. if there is a program for the building project, a statement of when and where the program will be available for inspection by applicants;
 - c. when and where a briefing session (if any) will be held;

- d. the qualifications required of applicants;
 - e. the categories of designers' consultants, if any, for which applicants must list names of consultants they may use;
 - f. whether the fee has been set or will be negotiated; if the fee has been set, the amount of the fee must be listed in the advertisement;
 - g. when and where the RFQ can be obtained and the applications must be delivered.
- F. The RFQ shall include the current "Standard Designer Application Form for Municipalities and Public Agencies not within DSB Jurisdiction," which is available for download from the Massachusetts Designer Selection Board website at Designer Selection Board (DSB) Procedures for Municipalities.

The Application Form may be amended to include additional information on a project-specific basis.

- G. The Committee shall evaluate applicants based on the following criteria:
- a. prior similar experience;
 - b. past performance on public and private projects;
 - c. financial stability;
 - d. identity and qualifications of the consultants who will work with the applicants on the projects; and
 - e. any other criteria that the Committee considers relevant to the project.
- H. The Committee shall select at least three finalists. Finalists may be required to appear for an interview or provide additional information to the Committee, provided that all finalists are afforded an equal opportunity to do so.
- I. The Committee shall rank the finalists in order of qualifications and transmit the list of ranked finalists to the Approving Authority. In the alternative, the Approving Authority may allow the Committee to select the designer and/or negotiate the fee, provided, however, in any event that no selected fee shall be final until approved by the Approving Authority.

No person or firm, including applicants' listed consultants, debarred pursuant to M.G.L. Chapter 149, section 44C shall be included as a finalist on the list.

The list must be accompanied by a written explanation of the reasons for selection including the recorded vote, if any. The written explanation and recorded vote, if any, shall be public records and shall be maintained in the contract file.

- J. If the fee was set prior to the selection process, the Approving Authority shall select a designer from the list of finalists. If the Approving Authority selects a designer other than the one ranked first by the Committee, the Approving Authority shall file a written justification for the selection with the Committee and maintain a copy in the contract file.
- K. If the fee is to be negotiated, the Approving Authority shall review the list of finalists and may exclude any designer from the list if a written explanation of the exclusion is filed with the Committee and maintained in the contract file. The Approving Authority shall request a fee proposal from the first ranked designer remaining on the list and begin contract negotiations. If the Approving Authority is unable to negotiate a satisfactory fee with the first ranked designer, negotiations shall be terminated and undertaken with the remaining designers, one at a time, in the order in which they were ranked by the Committee until agreement is reached. In no event may a fee be negotiated which is higher than the maximum fee set by the Approving Authority prior to selection of finalists.
- L. If the Approving Authority is unable to negotiate a satisfactory fee with any of the finalists, the Approving Authority shall recommend that the Committee select additional finalists.
- M. The Approving Authority may allow a designer who conducted a feasibility study to continue with the design of a project. However, the Approving Authority may commission, at its discretion, an independent review, by a knowledgeable and competent individual or business doing such work, of the feasibility of the designer's work to insure its reasonableness and its adequacy before allowing the designer to continue on the project, provided the Approving Authority otherwise complies with the statutory requirements for selecting a designer under Chapter 7 of the General Laws, including those set forth in M.G.L. 7, S38K(a)(1).
- N. Every contract for design services shall include the following:
 - a. certification that the designer or construction manager has not given, offered, or agreed to give any person, corporation, or other equity any gift, contribution, or offer of employment as an inducement for, or in connection with, the award of the contract for design services;

- b. certification that no consultant to, or subcontractor for, the designer or construction manager has given, offered, or agreed to give any gift, contribution, or offer of employment to the designer or construction manager, or to any other person, corporation, or entity as an inducement for, or in connection with, the award to the consultant or subcontractor of a contract by the designer or construction manager;
- c. certification that no person, corporation, or other entity, other than a bona fide full-time employee of the designer or construction manager, has been retained or hired by the designer or construction manager to solicit for or in any way assist the designer or construction manager in obtaining the contract for design services upon an agreement or understanding that such person, corporation, or other entity be paid a fee or other consideration contingent upon the award of the contract to the designer; and
- d. certification that the designer has internal accounting controls as required by M.G.L. Chapter 30, Section 39R(c) and that the designer has filed and will continue to file an audited financial statement as required by M.G.L. Chapter 30, Section 39R (d).

All fees shall be stated in design contracts and in subsequent amendments thereto, as a total dollar amount. Contracts may provide for equitable adjustments in the event of changes in scope or services.

- O. The Approving Authority shall not enter into a contract for design services unless the Approving Authority or the designer has obtained professional liability insurance covering negligent errors, omissions, and acts of the designer or of any person or business entity for whose performance the designer is legally liable arising out of the performance of the contract. The total amount of such insurance shall at a minimum equal the lesser of one million dollars or ten percent of the project's estimated cost of construction, or such larger amounts as the Approving Authority may require, for the applicable period of limitations. A designer required by the Approving Authority to obtain all or a portion of such insurance coverage at its own expense shall furnish a certificate or certificates of insurance coverage to the Approving Authority prior to the award of the contract.
- P. Every contract for design services shall include a provision that the designer or its consultants shall not be compensated for any services involved in preparing changes that are required for additional work that should have been anticipated by the designer in the preparation of the bid documents, as reasonably determined by the individual responsible for administering the design contract.
- Q. In the event of an emergency that precludes the normal use of these designer

selection procedures, the Approving Authority may elect to authorize expedited procedures to address the emergency. The Approving Authority shall document in writing the reasons for the emergency declaration, the proposed scope of work, the estimated cost of construction, the established fee for the needed design services, and any other relevant information.

The Approving Authority may select three finalists from any standing list of designers who have applied for projects of a similar nature, or may otherwise select three designers to be considered as finalists for the project. The Approving Authority shall rank the finalists in order of qualification and select the designer for the emergency work.

- R. The Approving Authority shall publish the name of any designer awarded a contract in the Central Register.
- S. The following records shall be kept by the Approving Authority:
 - a. all information supplied by or obtained about each applicant;
 - b. all actions taken relating to the project; and
 - c. any other records related to designer selection.

All records shall be available for inspection by the state Designer Selection Board and other authorized agencies.

- T. The Approving Authority shall evaluate designers' performance on contracts using the Designer Selection Board evaluation form(s) in accordance with M.G.L. Chapter 7, Section 38E(g), and file completed evaluations with the Board and any other agency named in M.G.L. c.7, Section 38E(g).
- U. Nothing in these Procedures shall be interpreted to require the establishment of a board or waive or reduce the requirements of any other applicable law or regulation.
- V. For any municipal design or construction project that includes funding provided by the Commonwealth, in whole or in part (such as reimbursements, grants and the like), the City shall incorporate minority-owned business enterprise and women-owned business enterprise participation goals, and in such instances, the Approving Authority shall take steps to assure that it complies with all State Office of Minority and Women Business Assistance requirements.

(added 2/9/2010)

III. FEES FOR LICENSES, PERMITS AND RECORDS

3-19 Schedule of fees for licenses and permits.

Fees for licenses or permits shall accompany the application for such license or permit and shall be paid to the City Clerk or officer or board issuing the same, and shall be as follows:

Auctioneer--Resident	\$ 25.00 Annually
Auctioneer--Special—Limited	\$ 15.00 per day
Auction	\$ 10.00 per
Automobile Graveyard.....	\$ 50.00 Annually
Automatic Amusement Device	\$ 20.00 per machine Annually
Billiard Rooms/Parlor	\$ 25.00 for the first table, plus 10.00 per each additional table
Bowling Alley.....	\$ 20.00 for the first alley, plus \$10.00 for each per each additional alley

BUILDING FEES AND ELECTRICAL FEES CAN BE FOUND IN CH.15.

Carnival/Circus	\$ 10.00 per
Coffee and/or Tea House	\$ 25.00 Annually
Commercial Parking Lots	\$ 6.00 per space annually
Drug--Third Class	\$ 50.00 Annually
Entertainment Activities on Sunday.....	\$ 10.00 single event
Entertainment Activities on Sunday.....	\$200.00 annual events
Flea Market	\$ 2.00 Annually
Garage Auto Repair Shop	\$ 50.00 Annually
Hawkers/Peddlers	\$ 20.00
Peddlers of vegetables, fish, fruits.....	\$ 10.00 Annually
Hotel.....	\$ 25.00 Annually
Holiday--Sunday Necessary Work.....	\$ 10.00 Annually

INFLAMMABLES--SEE SECTION 8-12

Innholders	\$ 25.00 Annually
Junk Collector.....	\$ 50.00 Annually
Junk Dealer--Keeper of Shop.....	\$ 50.00 Annually
Leasing of Automobiles/Trailers	\$ 50.00 Annually
Lodging House	\$ 20.00 Annually
Mobile Vending Vehicle--Food Vehicle.....	\$ 50.00 Annually
Motel	\$ 10.00 Annually
Motor Vehicle Licenses 1st Class, 2d Class or 3d Class	each year, 200.00 application fee plus 100.00 Annually
Pawnbrokers	\$ 50.00 Annually

Public Amusements..(GL Ch.140, Sec.181)	\$200.00	Annually
Single Event	\$ 10.00	
Rooming House.....	\$ 10.00	Annually
Secondhand Articles—Furniture.....	\$ 50.00	Annually
Secondhand Lumber, Building Materials.....	\$ 50.00	Annually
Secondhand Metals.....	\$ 50.00	Annually
Razed Building Materials, selling of.....	\$ 50.00	Annually
(Temporary License)		
Skating Rinks	\$100.00	Annually
Recording Cemetery Deed Lots	\$ 5.00	
Declaration of Trust	\$ 10.00	
Recording Order granting locations of poles, conduits, etc. (flat rate)	\$ 25.00	
Street Musicians.....	\$ 25.00	
Taxi	\$ 20.00	each Annually
Taxi Stands	\$ 10.00	each Annually
Tennis Courts.....	\$ 10.00	per court
Transient Vendor.....	\$ 50.00	

For the following, the fees charged shall be those which are prescribed by MGLA: Birth Records, Death Records, Marriage Records, Registration Fees, Business Certificates. (Prior Ch. 10 sec. 1).

3-20 Licenses and permits--Conditions.

- A. Every officer or board in charge of a department issuing a license or permit shall insert therein a condition that the person accepting the same shall conform to the statutes and ordinances and the specifications in the license or permit, and that the violation of any of its specifications shall work an immediate revocation of the license or permit and that such person shall indemnify and hold harmless the City from any damage it may sustain or be required to pay, by reason of the doing of any of the work licensed or permitted by reason of any act or neglect of himself or any of his employees relating to such work or by reason of any violation of any specification, provided that nothing contained in this section shall be construed to prevent the insertion of any other specification deemed advisable by the authority issuing such license or permit.
- B. Such officer or board may require a bond with sureties satisfactory to him or it, to secure the performance of the conditions of the license or permit.
- C. The fee for issuing such licenses shall be according to the schedule of fees as listed in Section 3-20. (Prior Ch. 10 sec. 4).

3-21 Charges for certified copies kept by City Clerk.

For certified copies of records kept by the City Clerk fees may be charged which are commensurate with the fees charged by the registry of deeds for similar copies. (Prior Ch. 10 sec. 5).

3-22 Disposition of moneys paid for special permits.

- A. All moneys paid by petitioners for advertising of special permits, zoning amendments, variances and planning board petitions shall be applied to defray the cost of the advertising, with any balance accruing to help defray the cost of postage, stationary and clerical work, and to be retained in a general ledger account set up for that purpose.
- B. When the balance of any such account reaches the amount of one thousand dollars for each of said accounts, any balances thus accrued shall inure to the general fund.
- C. There shall be no refund of any excess over advertising costs to any petitioner. (Ord. dated 2/6/85; prior Ch. 10 sec. 6).

IV. DISPOSITION OF LAND ACQUIRED PURSUANT TO TAX LIENS

3-23 Custody, management and sale of land--Powers and authority.

The following regulations are established for the custody, management and sale of land acquired by the City under the provisions of Massachusetts General Laws, Chapter 60, and acts in amendment of or in substitution therefor:

- A. The City collector, upon the performance of the duties imposed by Chapter 60 of the General Laws shall report his doings concerning such land in writing to the City treasurer in such form as may be approved by the Mayor, which report shall contain a description of the several parcels of land, the amount for which the same was offered for sale, the expense of the sale, the amount named in the collector's deed or instrument of taking, as due when the same was executed, all interest and subsequent taxes and assessments thereon.

Such report shall be filed in the office of the City Treasurer, and kept by him as a record concerning land so acquired and held.

- B. The City Treasurer, under the direction of the Mayor, may advertise such land for sale by public auction, and the cost thereof shall be apportioned equally among all the parcels or lots specified in the advertisement. The cost of the sale shall be apportioned equally among all lots sold.

- C. The Mayor, after being authorized by majority vote of the City Council, may from time to time, sell or cause to be sold at public auction or private sale, any such land at such price and upon such terms as may be so authorized or, after being so authorized, he may cause the same to be leased or let in like manner, in case of inability to make a satisfactory sale and, after being so authorized, he may sign, seal, acknowledge and deliver in the name and behalf of the City, all proper deeds and instruments therefor, and the proceeds of such sales, conveyances, leases or letting shall be paid into the City treasury, subject to the necessary costs and charges incident thereto, and held, as provided in and by said chapter 60 of the General Laws.
- D. Upon a sale, conveyance, lease or letting of any parcel of land so held, the treasurer shall enter upon the record the name of the purchaser, lessee or tenant, the consideration or rental paid, the date of sale or other disposition, the cost of advertisement, sale and the taxes assessed thereon, as shown by the records of the assessors from and subsequently to the date of acquiring the same under said statute, in a form convenient for the preservation of a record of the transactions by the City and the state of the account of the City concerning the same.
- E. The tax title custodian of the City purporting to act under the authority conferred by Massachusetts General Laws, Chapter 60, Section 77A, shall, in addition to the notice required by this chapter and sections of the General Laws of the Commonwealth, give notice by publishing of his intent to act. The publishing shall be made in a newspaper of general circulation in the City for three consecutive weeks, the last publication date to be at least twenty-one days prior to the intended date of action. The notice published shall contain a title reference to the subject property, as well as the name of the nearest public way to the property. (Prior Ch. 14 sec. 5).
- F. Any Real Estate tax bill that has been past due for three hundred and sixty five days shall be placed in Tax Title. The Collector's office has six months from the acceptance of this ordinance to be in compliance with this ordinance. (Added 5/18/94)

3-24 Suspension, Revocation or Denial of Local Licenses and Permits.

- A. The Tax Collector or any other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter collectively referred to as the Tax Collector, shall monthly, and at such other times as may be requested furnish each department, board, commission or division, hereinafter collectively referred to as the Licensing Authority, that issues building permits, or 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 including amounts assessed under the provisions of section twenty-one D, 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 has a pending petition before the Appellate Tax Board. (amended 9/27/2004)

- B. The Licensing Authority may deny, revoke or suspend a building permits, or any license or permit, including applications for renewals, transfers, and original applications 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 building permit or 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 fourteen days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said building permit or license or permit to any Party. The Tax Collector shall have the right to intervene in any hearing conducted with respect to such building permit or local permit or license or denial, revocation or suspension. Any findings made by the Licensing Authority with respect to such building permit or license or permit 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 building permit or license denial, revocation or suspension. Any building permit or license or permit denied, suspended or revoked under this section shall not be issued 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 of the date of issuance of said certificate.
- C. Any Party shall be given an opportunity to enter into a payment agreement with the Tax Collector, thereby allowing the Licensing Authority to issue a certificate indicating said limitations to the building permit or license or permit and the validity of said building permit or license or permit 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 building permit or license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.
- D. The City Council, upon application made specifically thereof, 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 section one of chapter two hundred and sixty-eight A, in the business or activity conducted in or on said property. This section shall not apply to the following licenses and permits granted under the General Laws of the Commonwealth of Massachusetts: Open burning, section thirteen of Chapter forty-eight; bicycle permits, section eleven A of Chapter eighty-five; sales of articles for charitable purposes, section thirty-three of Chapter one hundred and one; children work permits, section sixty-nine of Chapter one hundred and forty-nine; clubs, associations dispensing food or beverage licenses, section twenty-one E of Chapter one hundred and forty; dog licenses, section one hundred and thirty-seven of Chapter one hundred and forty; fishing, hunting, trapping licenses, section twelve of Chapter one hundred and thirty-one; marriage licenses, section twenty-eight of Chapter two hundred and seven; and theatrical events, public exhibition permits, section one hundred eighty-one of Chapter one hundred and forty.

E. Notice, Hearing and Appeals Procedure

Section I – Definitions

“Party” includes, but is not limited to, the following:

- (a) Any person or entity whose name appears on the Tax Delinquent List furnished by the Treasurer/Tax Collector.
- (b) Any person or entity who makes or has made application for a building permit or local license or permit, or to whom such a permit has been issued, by virtue of which any activity, event or other matter is or is to be carried out or exercised on or about real estate owned by any party whose name appears on the list furnished to the licensing or permitting authority from the Treasurer/Tax Collector.
- (c) The Treasurer/Tax Collector shall be a party in all cases.

Section II - Authority

The ordinance requires that the Tax Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as 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.

The licensing or permitting authority may deny, revoke or suspend any building permits or local license or permit, including renewals and transfers in accordance with the provision of Title III, WMC, §3-24.

Section III - Form of Notice

(a) The licensing or permitting authority shall give written notice to the party or parties as described in paragraphs (a), (b) and (c) of Section 1, by mailing a copy of said notice, first class mail, postage prepaid, return receipt requested.

Notice to a party as defined in paragraph (a) of Section shall be mailed to the party at (1) the property address; (2) the address to which the unpaid bill was sent by the Treasurer/Tax Collector, and (3) to the address, if different from those just described, as appears on the most current mailing address list compiled by the Board of Assessors.

(b) Notice to a party as defined in paragraph (b) of Section 1 shall be sent to the person or entity by first class mail, postage prepaid, return receipt requested, at the mailing address as shown on the application being made or, if the application has been granted, to the mailing address as appears on both the application made and the building permit or local license or permit that was issued.

(c) Notice to the Treasurer/Tax Collector shall be sent to the Collector's office at City Hall by first class mail, postage prepaid, return receipt requested.

(d) All "notices" referred to herein shall be sent at least twenty-one days prior to the scheduled hearing date. The notice shall specify the date, time and location of the hearing and shall identify the parcel(s) of real estate to which it pertains. All notices shall contain the following language:

"If special services, assistance or accommodation are required to participate in this hearing, please contact the undersigned at the phone number shown above."

Section IV – Agreements entered into with the Treasurer/Tax Collector

Every party has an absolute right to enter into a payment agreement, as provided by state statute, with the city Treasurer/Tax Collector. When an agreement is entered into with the Treasurer/Tax Collector, the permit or license

shall issue and be conditioned upon full compliance with said agreement.

The following language shall be inscribed upon every permit or license issued upon the condition that an agreement entered into with the Treasurer/Tax Collector be complied with:

“This permit [or license] is issued upon the condition that the terms of an agreement entered into between _____ and

_____ the Treasurer/Tax Collector be complied with. Failure to comply with the terms of said agreement shall result in the suspension or revocation of this permit [or license] following notice and a hearing .”

Any permit or license sought by a person or entity who has already entered into a payment agreement with the Treasurer/Tax Collector shall, if issued, be conditioned upon compliance with any and all agreement(s) previously entered into between the person or entity and the Treasurer/Tax Collector

Any party who fails to comply with the terms of such an agreement upon which a license or permit is conditionally issued shall be subject to all of the provisions for denial, revocation or suspension as provided herein, i.e. upon receipt of notice from the Treasurer/Tax Collector that said agreement has been breached. Said notice shall contain a hearing date on which said license or permit may be revoked or suspended. All of the provisions as to notice and hearing, as contained herein, shall apply to a hearing held to revoke or suspend a permit or license issued upon the condition that an agreement with the Tax Collector be complied with.

Section V - Hearings

No hearing shall be held earlier than fourteen (14) days, excluding the day of mailing, after “Notice” has been mailed. Every party shall have the right to be represented by counsel and present evidence at such hearing.

The hearing shall be conducted by the permit granting or licensing authority to whom or to which application would be made in the first instance. In the case of a building or occupancy permit, the Building Inspector shall conduct the hearing; permits or licenses within the jurisdiction of the Woburn License Commission by said commission; those permits or licenses within the jurisdiction of the Board of Health, by the Board of Health Director; permits or licenses within the jurisdiction of the Department of Public Works, by the Superintendent of Public Works, and in like manner for the city’s other departments.

Hearings to revoke, suspend or deny licenses or permits issued by the Building

Inspector, Department of Public Works, Board of Health, Fire Department, Police Department may be conducted by the person who issues said permits in the first instance. The vote to revoke, suspend or deny any license or permit which may be issued by any council, board or commission of the city shall be the same as that required to issue said license or permit in the first instance.

Section VI - Waivers

Waivers, as authorized under WMC, Title III, SECTION 3-24, par. (d) shall be granted or denied by the City Council following notice and a hearing, as provided for and described above. The vote to grant a waiver shall be made by a majority of the council.

Section VII - Decisions

A written decision shall issue not later than forty-five (45) days from the conclusion of the hearing, and a copy of which shall be filed with the City Clerk. The City Clerk shall mail a copy of said decision to all parties within five (5) business days of its filing.

Section VIII – Appeals

A party's appeal from action which results in the denial, revocation or suspension of a license or permit, or an appeal from the denial of a waiver by the City Council, shall be by Writ of Certiorari filed in the Superior Court.

In the event that the permitting or licensing authority refuses to deny, revoke or suspend a license or permit, or the city council grants a waiver with which the Treasurer/Tax Collector disagrees, the city Treasurer/Tax Collector shall have the right to appeal said refusal or action of the council by filing a Writ of Certiorari with the Superior Court.

(added by Ord. dated 08/15/90; amended 3/20/2003; amended 4/9/2003).

V. ASSISTANCE PROGRAMS

3-25 Senior Citizen Property Work-Off Program

A. Program Goals

1. To assist senior citizens of the City of Woburn with payment of residential property tax bills.
2. To increase the involvement of senior citizens in the municipal government and the school system of the City of Woburn.

3. To acknowledge and affirm the skills and abilities of Woburn senior citizens and the community's continuing needs for their services.

B. Eligibility Requirements

1. An applicant must meet or exceed the following requirements in order to be eligible to participate in the program:
 - a. Must have attained the age of 60 years.
 - b. Must own and reside in a home in the City of Woburn or be the current spouse of such a homeowner residing in the same household.
 - c. Must be a resident of the City of Woburn.
 - d. Must own and occupy the residential property for which real estate taxes are paid to the City of Woburn by the applicant and on which a reimbursement is requested. (amended 6/25/2008)

C. Employment Opportunities

1. There must be a request for assistance under the program by municipal or school department offices based upon the needs of the municipal or school department offices.
2. The employment opportunities include but are not limited to municipal offices, classrooms, libraries, clinics and special projects.

D. Selection Process

1. An applicant must meet eligibility requirements set forth in 3-25(B) herein.
2. The applicant must have the appropriate skills necessary for the position.
3. The department head and the applicant must agree and assent to the assignment of an applicant to a particular department.
4. The Council on Aging Director may coordinate and execute the program.

E. Exemption Guidelines

1. The hourly rate for services shall be set to the state's current minimum wage in effect at the time the services are provided.
2. The maximum exemption available to any individual or per household during a program year shall be \$1,000.00 per fiscal year, or the maximum allowed by M.G.L. c.59, §5K as that statute may from time to time be amended.
3. Upon completion of the required hours of work service, or a fraction thereof, the number of hours worked will be verified by the appropriate department head and submitted to the Council on Aging Director for submission to the Board of Assessors.

4. This program is exempt from state income taxes, but not federal income taxes. Federal and Medicare taxes must be withheld. Participants must complete a W-4 and the Treasurer/Collector will issue a W-2 form to each participant for federal tax purposes only.
5. Only thirty (30) individuals or households may participate in any program year.
6. Participants are not eligible for City benefits.
7. Current City employees are not eligible.
8. An individual or household may participate in only one Tax Work off Program (Senior or Veterans).

(Amended 10/23/2006; amended 6/25/2008; amended 5/23/2014)

F. Applications

1. The City of Woburn Council on Aging Director shall monitor and supervise the program.
2. Applications for such program, including but not limited to the forms of application, required supporting documentation and limitations on time period for the application process each fiscal year, shall be prepared by the Council on Aging Director in conjunction with the Human Resource Director in a form suitable to meet the goals of this Ordinance.

G. Applicant Limitations

1. Participants from previous years are encouraged to apply, however their applications shall be considered after all new program applicants have participated in the program in order to permit more senior citizens an opportunity to participate in the program.
2. Acceptance is based on the ability of the applicant to perform tasks required in available positions.
3. Placements are decided by the Council on Aging Director and the Human Resource Director based on skills and interest of the applicants and needs of the various departments. Requests for certain position by applicants will be considered, however applicants must be willing to accept a position when offered based on the offer made by the Council on Aging Director.
4. Applicants have the right to refuse placements, but each applicant will be taken on a maximum of two interviews. Applicants may have the option to defer placement in a position pending the possibility of other opportunities, however, there is no guarantee other positions will become available.

H. Additional Rules

1. Income limitations on eligibility shall be \$45,000.00 for single household and \$55,000.00 for a couple. (amended 6/22/2009)
2. State the Senior Citizens Property tax Work-Off Program so no more than thirty (30) individuals participate in the program. Positions will be offered on the basis of qualification, availability, location and physical limitation. No job will require heavy physical exertion.

(amended 2/27/2004; 6/27/2005; 10/23/2006)

VI. MUNICIPAL LIEN CHARGES

3-26 Authority

This chapter is adopted pursuant to the authority of Chapter 40, Section 21, and Chapter 40, Section 58 of the General Laws, as amended, and any other relevant statutes and regulations promulgated pursuant thereto.

3-27 Purpose and intent

The purpose of this chapter is to establish a municipal charges lien program to provide a cost effective method of collecting a charge and/or fee assessed against an owner of real property in the City of Woburn who fails and/or refuses to pay said charge and/or fee when due, by placing a lien upon the real estate owned by the property owner.

3-28 Charge and/or fee

The Municipal Charges Lien together with interest shall accrue at 14 percent a year, and shall apply to the following Municipal Charges and/or fees that are outstanding for more than 30 days:

- (a.) Charges or penalties for violations of the general ordinances of the city including interest and all cost to record said lien(s) in the Middlesex County Registry of Deeds.
- (b.) Charges or penalties for violations of the zoning ordinances of the city including interest and all cost to record said lien(s) in the Middlesex County Registry of Deeds.
- (c.) Charges or penalties for violations of the Massachusetts state sanitary codes including interest and all cost to record said lien(s) in the Middlesex County Registry of Deeds.

- (d.) Charges or penalties for violations of the Massachusetts state building codes including interest and all cost to record said lien(s) in the Middlesex County Registry of Deeds.

3-29 Effective date

The municipal charges lien will take effect upon the recording of a statement of unpaid municipal charges and fees, setting forth the amount due, including recording cost, and any administrative fee, the address(es) of the land to which the lien is to apply and the name of the assessed owner.

3-30 Collection of lien

The tax collector shall be in charge of collecting the lien.

3-31 Unpaid municipal charges liens

- (a.) If the charge or fee secured by the lien is unpaid when the assessors are preparing the real estate list and warrant, the tax collector shall certify the charge, fee or penalty to the assessors' department and the assessors shall add the charge, fee or penalty together with interest accrued to date to the next property tax bill to which it relates, and commit it with the warrant to the tax collector as part of the tax or as an encumbrance on the property.
- (b.) If the property to which the charge fee relates is tax exempt, the charge or fee shall be committed as an encumbrance on said property.

3-32 Release of lien

The municipal charge lien may be discharged by the filing of a certificate from the tax collector that all municipal charges or fees constituting a lien, together with any interest and costs, have been paid or legally abated.

3-33 Abatement

The Mayor with majority votes of the City Council may abate any charge or fee.

(added 9/23/2011)

VI DEMAND FEES – UNPAID TAXES [numbered as passed]

3-34 Demand fees - unpaid taxes

The Treasurer/Collector shall charge a fee of \$10.00 for each written demand

issued for unpaid real estate, personal property and excise tax, which fee is to be added to and collected as part of the tax, as authorized by M.G.L. c.60, §15, effective as of July 1, 2014. (added 7/17/2014)