

Chapter 155

LICENSES AND PERMITS

[HISTORY: Adopted by the Town Meeting of the Town of Charlton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Revocation or Denial for Failure to Pay Taxes, Fees or Assessments

[Adopted as Art. XXXII of the 2005 Bylaws]

§ 155-1. Definitions.

The following words and phrases used in this bylaw shall have the following meanings, unless a contrary intention clearly appears:

LICENSE AND PERMIT — Includes all licenses and permits, including renewals and transfers, issued by any board, officer, department, commission or division of the Town of Charlton, except the following licenses and permits issued under the following provisions of the General Laws:

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

LICENSING AUTHORITY — Includes all boards, officers, departments, commissions and divisions of the Town of Charlton that issue licenses or permits.

PERSON — Includes a corporation and a business enterprise.

TOWN COLLECTOR — The Collector of the Town of Charlton.

§ 155-2. List of delinquent taxpayers.

The Collector shall annually furnish to each licensing authority a list of all persons who have neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal

charges for not less than a twelve-month period, and who have not filed in good faith a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board.

§ 155-3. Revocation, suspension or denial.

The licensing authority may deny, revoke or suspend any license or permit of any person whose name appears on such a list furnished to it by the Town 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 Town Collector; provided, however, that written notice is given to the person and the Town Collector as required by applicable provisions of law, and the person is given a hearing, to be held 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 person. The Town 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 other 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 licensing authority receives a certificate issued by the Town Collector that the person 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.

§ 155-4. Payment agreements.

Each person whose name appears upon such a list shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations as 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.

§ 155-5. Waiver.

The Board of Selectmen of the Town of Charlton 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/her immediate family, as defined in MGL c. 268A, § 1, in the business or activity conducted in or on said property.

ARTICLE II

Fingerprinting

[Adopted 5-21-2012 ATM by Art. 20]

§ 155-6. Criminal history check authorization. [Amended 5-19-2014 ATM by Art. 25]

The Police Department shall, as authorized by MGL c. 6, § 172B 1/2, conduct state and federal fingerprint-based criminal history checks for individuals applying for the following licenses. The Police Department shall conduct such a check as to each original application for the issuance, and as to any application for a transfer, of any such license, and every three (3) years thereafter in connection with any application for a renewal of any such license.

License	Licensing Authority
Hawking and peddling or other door-to-door salespeople	Charlton Police Department
Manager of alcoholic beverage license	Charlton Board of Selectmen
Owner or operator of public conveyance	Charlton Board of Selectmen
Dealer of secondhand articles	Charlton Board of Selectmen
Pawn dealers	Charlton Board of Selectmen
Scrap metal dealers	Charlton Board of Selectmen
Hackney drivers	Charlton Board of Selectmen
Ice cream truck vendors	Charlton Board of Selectmen

§ 155-7. Notification of applicant.

At the time of fingerprinting, the Police Department shall notify the individual fingerprinted that the fingerprints will be used to check the individual's criminal history records.

§ 155-8. Continued compliance.

The Police Chief shall periodically check with the Executive Office of Public Safety and Security ("EOPSS"), which has issued an Informational Bulletin which explains the requirements for Town bylaws and the procedures for obtaining criminal history information, to see if there have been any updates to be sure the Town remains in compliance.

§ 155-9. Procedure.

- A. Upon receipt of the fingerprints and the appropriate fee, the Police Department shall transmit the fingerprints it has obtained pursuant to this bylaw to the Identification Section of the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Services (DCJIS), and/or the Federal Bureau of Investigation (FBI) or the successors of such agencies as may be necessary for the purpose of conducting fingerprint-based state and national criminal records background checks of license applicants specified in this bylaw.

- B. The Town authorizes the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Systems (DCJIS), and the Federal Bureau of Investigation (FBI), and their successors, as may be applicable, to conduct fingerprint-based state and national criminal record background checks, including of FBI records, consistent with this bylaw.
- C. The Town authorizes the Police Department to receive and utilize state and FBI records in connection with such background checks, consistent with this bylaw.
- D. The state and FBI criminal history will not be disseminated to unauthorized entities.
- E. Upon receipt of a report from the FBI or other appropriate criminal justice agency, a record subject may request and receive a copy of his/her criminal history record from the Police Department. Should the record subject seek to amend or correct his/her record, he/she must take appropriate action to correct said record, which action currently includes contacting the Massachusetts Department of Criminal Justice Information Services (DCJIS) for a state record or the FBI for records from other jurisdictions maintained in its file. An applicant that wants to challenge the accuracy or completeness of the record shall be advised that the procedures to change, correct, or update the record are set forth in Title 28 CFR 16.34. The Police Department shall not utilize and/or transmit the results of the fingerprint-based criminal record background check to any licensing authority pursuant to this bylaw until it has taken the steps detailed in this subsection. Municipal officials should not deny an applicant the license based on information in the record until the applicant has been afforded a reasonable time to correct or complete the information, or has declined to do so.
- F. The Police Department shall communicate the results of fingerprint-based criminal record background checks to the appropriate governmental licensing authority within the Town as listed. The Police Department shall indicate whether the applicant has been convicted of, or is awaiting final adjudication for, a crime that bears upon his/her suitability, or any felony or misdemeanor that involved force or threat of force, controlled substances or a sex-related offense.

§ 155-10. Rules and regulations.

The Board of Selectmen is authorized to promulgate regulations for the implementation of the proposed bylaw, but in doing so it is recommended that they consult with the Chief of Police, Town Counsel, and the Massachusetts Executive Office of Public Safety and Security (or its successor agency) to ensure that such regulations are consistent with the statute, the FBI's requirements for access to the national database, and other applicable state laws.

§ 155-11. Use of criminal record by licensing authorities.

- A. Licensing authorities of the Town shall utilize the results of fingerprint-based criminal record background checks for the sole purpose of determining the suitability of the subjects of the checks in connection with the license applications specified in this bylaw. A Town licensing authority may deny an application for a license on the basis of the results of a fingerprint-based criminal record background check if it determines that the results of the check render the subject unsuitable for the proposed occupational activity. The licensing

authority shall consider all applicable laws, regulations and Town policies bearing on an applicant's suitability in making this determination.

- B. The Town or any of its officers, departments, boards, committees or other licensing authorities is hereby authorized to deny any application, including renewals and transfers thereof, by any person who is determined unfit for the license, as determined by the licensing authority, due to information obtained pursuant to this bylaw.

§ 155-12. Fees.

- A. The fee charged by the Police Department for the purpose of conducting fingerprint-based criminal record background checks shall be \$50. The Town Treasurer shall periodically consult with the Department of Revenue Division of Local Services and/or Town Counsel regarding the proper municipal accounting of those fees.
- B. A portion of the fee, as specified in MGL c. 6, § 172B 1/2, shall be deposited into the Firearms Fingerprint Identity Verification Trust Fund, and the remainder of the fee may be retained by the Town for costs associated with the administration of the fingerprinting system.

§ 155-13. When effective.

This bylaw shall take effect upon approval of the Attorney General (whether express or by failure of the AG to seasonably act upon a request for approval) and upon publication, all as provided in MGL c. 40, § 32.