

By Mr. Barrett, a petition (accompanied by bill, Senate, No. 1039) of Michael J. Barrett for legislation to make a corrective change in the law relative to permit granting authorities. Local Affairs.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Eighty-Nine.

AN ACT MAKING A CORRECTIVE CHANGE IN THE LAW RELATIVE TO PERMIT GRANTING AUTHORITIES.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Section 7 of chapter 40A of the General Laws is hereby amended  
2 by striking out the second paragraph, as most recently amended  
3 by section 1 of chapter 481 of the acts of 1987, and inserting in  
4 place thereof the following paragraph: —

5 No local zoning law shall provide penalty of more than three  
6 hundred dollars per violation; provided that nothing herein shall  
7 be construed to prohibit such laws from providing that each day  
8 such violation continues shall constitute a separate offense. No  
9 action, suit or proceeding shall be maintained in any court, nor  
10 any administrative or other action taken to recover a fine or  
11 damages or to compel the removal, alteration, or relocation of  
12 any structure or part of a structure or alteration of a structure  
13 by reason of any violation of any zoning by-law or ordinance  
14 except in accordance with the provisions of this section, section  
15 eight and section seventeen, provided, however, if real property  
16 has been improved and used in accordance with the terms of the  
17 original building permit issued by a person duly authorized to  
18 issue such permits, no action, criminal or civil, the effect or  
19 purpose of which is to compel the abandonment, limitation or  
20 modification of the use allowed by said permit or the removal,  
21 alteration or relocation of any structure erected in reliance upon  
22 said permit by reason of any alleged violation of the provisions  
23 of this chapter, or of any ordinance or by-law adopted thereunder,

24 shall be maintained, unless such action, suit or proceeding is  
25 commenced and notice thereof recorded in the registry of deeds  
26 for such county or district in which the land lies within six years  
27 next after the commencement of the alleged violation of law; and  
28 provided, further, that no action, criminal or civil, the effect or  
29 purpose of which is to compel the removal, alteration, or  
30 relocation of any structure by reason of any alleged violation of  
31 the provisions of this chapter, or any ordinance or by-law adopted  
32 thereunder, or the conditions of any variance or special permit,  
33 shall be maintained, unless such action, suit or proceeding is  
34 commenced and notice thereof recorded in the registry of deeds  
35 for such county or district in which the land lies within ten years  
36 next after the commencement of the alleged violation. Such notice  
37 shall include names of one or more of the owners of record, the  
38 name of the person initiating the action, and adequate  
39 identification of the structure and the alleged violation.