

HOUSE No. 1352

By Mr. Loring of Acton, petition of Theodore D. Mann, Mary Jeanette Murray, John H. Loring, Patricia A. Walrath and another that provision be made for alternative zoning enforcement officers. Local Affairs.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING FOR AN ALTERNATIVE ZONING ENFORCEMENT OFFICER.

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, as most recently
2 amended by Section 3 of Chapter 808 of the Acts of 1975, is hereby
3 further amended by deleting the first sentence and inserting in its
4 place the following sentences: —

5 The inspector of buildings, building commissioner or local in-
6 spector, or if there are none, in a town, the board of selectmen, or
7 person of board designated by local ordinance or bylaw, shall be
8 charged with the enforcement of the zoning ordinance or bylaw,
9 and shall withhold a permit for the construction, alteration or
10 moving of any building or structure if the building or structure as
11 constructed, altered or moved would be in violation of any zoning
12 ordinance or bylaw. Alternatively, in a town, the board of select-
13 men or planning board, as determined by bylaw, or, in a city, the
14 mayor, may appoint a separate zoning enforcement officer if the
15 local zoning bylaw provides for such appointment, who shall be
16 charged with the enforcement of the zoning bylaw and no permit
17 for the construction, alteration or moving of any building or
18 structure shall be granted until a zoning compliance certificate has
19 been issued by the zoning enforcement officer upon finding that

20 the construction, alteration or moving of any building or structure
21 would not be in violation of the zoning bylaws of the town. Such
22 determination shall be rendered by the zoning enforcement officer
23 within twenty-one days from the day of application. Failure by the
24 zoning enforcement officer to take action upon an application for
25 a zoning compliance certificate within said twenty-one days shall
26 be deemed to be an approval of a zoning compliance certificate.

27 No permit or license shall be granted for a new use of a building,
28 structure, or land which use would be in violation of any zoning
29 bylaw.