

**APPROVED**

TOR-2025-1

First Reading 3/3/25  
Second Reading 3/17/25

**AN ORDINANCE TO AMEND CHAPTER 180  
OF THE CODE OF THE CITY OF AGAWAM REGARDING  
ZONING ENFORCEMENT POWERS AND PENALTIES**

(Sponsored by Christopher C. Johnson, Mayor)

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**WHEREAS**, Section 180-15 to Section 180-16.1 of the Code of the City of Agawam sets forth the zoning enforcement powers of the Inspector of Buildings and the non-criminal enforcement penalties; and

**WHEREAS**, the Zoning Advisory Committee recommends the proposed amendment and the City Council has the authority to enact the proposed amendment the Code of the City of Agawam; and

**WHEREAS**, Section 180-16.1 of the Code of the City of Agawam sets the non-criminal enforcement penalties and was last updated in 2005; and

**WHEREAS**, the Inspector of Buildings wants to expand the enforcement powers and increase the non-criminal enforcement penalties to improve zoning enforcement efforts; and

**WHEREAS**, the proposed amendment to Section 180-15 to Section 180-16.1 of the Code of the City of Agawam expands non-criminal enforcement to include conditions of a permit or special permit granted under the zoning code or under any decision rendered by the Zoning Board of Appeals or the Planning Board; and it further provides that unpaid fines shall be subject to the municipal charges lien law (M.G.L. c. 40 §58) which allows the town to lien the property involved and ultimately add unpaid liens to the real estate tax bill for collection; and

**WHEREAS**, it is in the best interest of the City of Agawam to amend Section 180-15 to Section 180-16.1 of the Code of the City of Agawam to enhance the zoning enforcement powers of the Inspector of Buildings and to increase the non-criminal enforcement penalties; and

**NOW THEREFORE**, the Agawam City Council hereby amends the Code of the City of Agawam Chapter 180, Section 180-15 to Section 180-16.1 by deleting those sections in their entirety and inserting in place thereof the following:

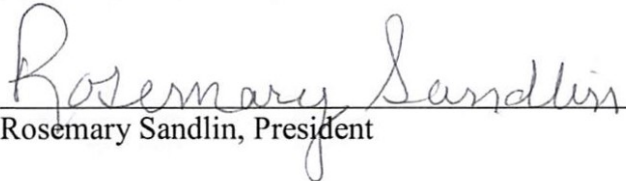
**§180-15. Enforcement.** The provisions of this Chapter shall be enforced by the Inspector of Buildings, and no permit shall be granted for the construction, alteration, relocation or use of any building, structure or premises in violation of any provision of this Chapter. Whenever any permit or license is refused because of some provision of this Chapter, the reason therefor shall be clearly stated in writing and kept on file.

**§180-16. Judicial Enforcement Penalties.** Complaints for enforcement of this Chapter brought to Superior Court or Housing Court shall carry a penalty of three hundred (\$300.00) dollars for each violation. Each day such violation continues shall be deemed a separate offense.

**§180-16.1. Noncriminal Enforcement.** In addition to the procedures for enforcement as described above, the provisions of this Chapter, the conditions of a permit or special permit granted under this Chapter, or any decision rendered by the Zoning Board of Appeals or Planning Board under this Chapter shall be enforced by the Inspector of Buildings, by noncriminal complaint pursuant to the provisions of Massachusetts General Laws Chapter 40, §21D, as amended from time to time. The fine for any violation disposed of through this procedure shall be one hundred (\$100.00) dollars for the first offense; two hundred (\$200.00) dollars for the second offense; and three hundred (\$300.00) dollars for the third and each subsequent offense. Each day such violation continues shall be deemed a separate offense. Unpaid fine(s) shall be subject to the municipal charges lien pursuant to Massachusetts General Laws Chapter 40, §58, as amended from time to time.

DATED THIS 17<sup>th</sup> DAY OF March, 2025.

PER ORDER OF THE AGAWAM CITY COUNCIL

  
Rosemary Sandlin, President

APPROVED AS TO FORM AND LEGALITY

  
Christopher S. Cappucci, Solicitor

Original: Clerk  
Mayor  
Council  
Insp Serv  
Law  
Planning

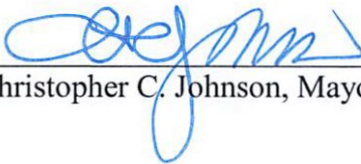
**MAYORAL ACTION**

Received this 18th day of March, 2025 from Council Clerk.

Signed by Council President this 17<sup>th</sup> day of March, 2025

**APPROVAL OF LEGISLATION**

By the powers vested in me pursuant to Article 3, Section 3-6 of the Agawam Charter, as amended, I hereby approve the passage of the above legislation on this 18th day of March, 2025.

  
\_\_\_\_\_  
Christopher C. Johnson, Mayor

**DISAPPROVAL OF LEGISLATION**

By the powers vested in me pursuant to Article 3, Section 3-6 of the Agawam Charter, as amended, I hereby veto the passage of the above legislation on this \_\_\_\_\_ day of \_\_\_\_\_, 2024 for the following reason(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Christopher C. Johnson, Mayor

**RETURN OF LEGISLATION TO COUNCIL CLERK**

Returned to Council Clerk this 18th day of March, 2025 .



# Town of Agawam

Christopher C. Johnson, Mayor  
36 Main Street  
Agawam, MA 01001  
Telephone: 413-786-0400 | 413-786-4525

## Memorandum

To: Agawam City Council  
From: Christopher C. Johnson, Mayor  
Re: TOR-2025-1 (Zoning Enforcement)  
Date: January 16, 2025

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Attached please find TOR-2025-1 which is an ordinance to amend §180-15 to §180-16.1 of the Code of the City of Agawam to update and expand zoning enforcement powers and to increase non-criminal enforcement penalties.

The proposed amendment does the following:

- expands non-criminal enforcement to include conditions of a permit or special permit granted under the zoning code or under any decision rendered by the Zoning Board of Appeals or the Planning Board;
- increases the fines for non-criminal enforcement from \$25/\$50/\$100 for first, second and third and subsequent offenses to \$100/\$200/\$300 for first, second and third and subsequent offenses; and
- provides that unpaid fines shall be subject to the municipal charges lien law which is M.G.L. c. 40 §58 (copy attached) which allows the town to lien the property involved and ultimately add unpaid liens to the real estate tax bill for collection.

I have also attached a spreadsheet showing fines in surrounding cities and towns for your information. Please do not hesitate to contact me with any questions.

Very truly yours,

Christopher C. Johnson  
Mayor

**M.G.L. c. 40 § 58.** Any city or town may impose a lien on real property located within the city or town for any local charge or fee that has not been paid by the due date, said lien shall be known as the "municipal charges lien"; provided, that a separate vote at a town meeting, or by a city or town council is taken for each type of charge or fee.

A municipal charges lien authorized under this section shall take effect upon the recording of a list of unpaid municipal charges and fees by parcel of land and by the name of the person assessed for the charge or fee in the registry of deeds of the county or district where the land subject to the lien lies.

If a charge or fee which is secured by a municipal charges lien remains unpaid when the assessors are preparing a real estate tax list and warrant to be committed under section fifty-three of chapter fifty-nine, the board or officer in charge of the collection of the municipal charge or fee, or the town collector of taxes, if applicable under section thirty-eight A of chapter forty-one, shall certify such charge or fee to the assessors, who shall forthwith add such charge or fee to the tax on the property to which it relates and commit it with their warrant to the collector of taxes as part of such tax.

If the property to which such charge or fee relates is tax exempt, such charge or fee shall be committed as the tax. A lien under this section may be discharged by filing a certificate from the tax collector that all municipal charges or fees constituting the lien, together with any interest and costs thereon, have been paid or legally abated. All costs of recording or discharging a lien under this section shall be borne by the owner of the property.

**Comparison of Surrounding Communities**

<b>Community</b>	<b>Judicial Enforcement</b>	<b>Non-Criminal 1st Offense</b>	<b>Non- Criminal 2nd Offense</b>	<b>Non-Criminal 3rd Offense</b>	<b>Non-Criminal 4th + Offense</b>
Agawam	\$300	\$100	\$200	\$300	\$300
West Springfield	\$300	\$25	\$50	\$100	\$200
East Longmeadow	\$300	\$100	\$200	\$300	\$300
Longmeadow	\$100	\$100	\$100	\$100	\$100
Southwick	\$300	\$300	\$300	\$300	\$300
Springfield	\$100 to \$300	\$100	\$300	\$300	\$300
Chicopee	\$200	\$200	\$200	\$200	\$200
Westfield	\$100 to \$300	\$100	\$300	\$300	\$300