

**SEPTEMBER 13, 2018**

**CITY COUNCIL**

**REGULAR MEETING**

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**“Know Your Rights Under the Open Meeting Law, M.G.L. Chapter 30A ss. 18-25, and City Ordinance Sections 2-2028 through 2-2033.”**

**Assistive Listening System Now Available for City Council Meetings.**

**Those interested in utilizing these devices for meetings at 93 Washington Street may contact the City Clerk Ilene Simons at 978-619-5610 or isimons@salem.com.**

A Regular Meeting of the City Council held in the Council Chamber on Thursday, September 13, 2018 at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on September 11, 2018, at 12:22 P.M. This meeting is being taped and is live on S.A.T.V.

Councillors Milo was absent (excused)

Council President Gerard presided.

Councillor Furey moved to dispense with the reading of the record of the previous meeting. It was so voted.

President Gerard requested that everyone please rise to recite the Pledge of Allegiance.

**PUBLIC TESTIMONY**

1. Gabriel Ciociola – 11 Winter St., Salem – Carnival
2. Kathy Picone – 25 Beach Ave., Salem – Carnival and Short-Term Rental Ordinance
3. Jennifer Inglis, 75 Webb St., Salem – Carnival
4. Don Seiffert, 10 Daniels St., Salem – Carnival
5. Jeff Cohen, 12 Hancock St., Salem – Short-Term Rental Ordinance
6. Linda Stark, 11 Church St., Salem – October Parking Passes for Condo Residents Downtown
7. David Friedberg, 57 Britannia Cir., Salem – Short-Term Rental Ordinance
8. Mary Roderick, 7 Sutton Ave., Salem - Short-Term Rental Ordinance
9. Richard Roderick, 7 Sutton Ave., Salem – Short-Term Rental Ordinance
10. Gary Gill – 12 Pope St., Salem - Carnival

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**(#475) – APPOINTMENT OF PATRICK SHEA TO THE ZONING BOARD OF APPEALS**

Held from the last meeting, the Mayor's appointment of Patrick Shea, 31 Highland St., Salem to the Zoning Board of Appeals with a term to expire on May 1, 2019. Councillor Furey assumes the chair. Councillor Gerard Moved Confirmation by Roll Call Vote. Ten Councillors were recorded in the affirmative and one Councillor was absent. Councillor Dibble, Dominguez, Flynn, Furey, Madore, McCarthy, Peterson, Sargent, Turiel and Gerard all voted in the affirmative. Councillor Milo was absent. Councillor Furey suspended the rules to allow Mr. Shea to speak. There were no objections. Councillor Gerard assumes the chair.

**#527 – APPOINTMENT OF PHILIP KOCH TO THE SUSTAINABILITY, ENERGY AND RESILIENCY COMMITTEE**

The Mayor's appointment of Philip Koch to the Sustainability, Energy and Resiliency Committee with a term to expire on December 3, 2018 was held until the next meeting under the rules.

**#528 - APPOINTMENT OF DEBORAH GREEL TO THE LICENSING BOARD**

The Mayor's appointment of Deborah Greel to the Licensing Board with a term to expire on December 3, 2021 was held until the next meeting under the rules.

**#529 - APPOINTMENT OF REBECCA ENGLISH TO THE HISTORICAL COMMISSION**

The Mayor's appointment of Rebecca English to the Historical Commission with a term to expire on March 1, 2019 was held until the next meeting under the rules.

**#530 - APPOINTMENT OF CLAUDIA CHUBER TO THE SALEM HOUSING AUTHORITY BOARD**

The Mayor's appointment of Claudia Chuber to the Salem Housing Authority Board with a term to expire on July 19, 2023 was held until the next meeting under the rules.

**#531 - APPOINTMENT OF DAVID GAUTHIER TO THE CABLE TELEVISION AND TECHNOLOGY COMMISSION**

The Mayor's appointment of David Gauthier to the Cable Television and Technology Commission with a term to expire on September 13, 2020 was held until the next meeting under the rules.

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**#532 - APPOINTMENT OF TYLER CARLTON TO THE SCHOLARSHIP AND EDUCATION COMMITTEE**

The Mayor's appointment of Tyler Carlton to the Scholarship and Education Committee with a term to expire on June 1, 2019 was held until the next meeting under the rules.

**#533 - APPOINTMENT OF ATTORNEY DATANIS ELIAS TO THE BOARD OF HEALTH**

The Mayor's appointment of Attorney Datanis Elias to the Board of Health with a term to expire on July 21, 2019 was held until the next meeting under the rules.

**#534 - RE-APPOINTMENT OF GREGORY ST. LOUIS TO THE CONSERVATION COMMISSION**

The Mayor's re-appointment of Gregory St. Louis to the Conservation Commission with a term to expire on September 13, 2021 was confirmed by a roll call vote of 10 yeas, 0 nays and 1 absent. Councillor Dibble, Dominguez, Flynn, Furey, Madore, McCarthy, Peterson, Sargent, Turiel and Gerard all voted in the affirmative. Councillor Milo was absent. Councillor Dibble suspended the rules to allow Mr. Shea to speak. There were no objections.

**#535 - RE-APPOINTMENT OF CARLY NAIK TO THE SALEM PUBLIC ART COMMISSION**

The Mayor's re-appointment of Carly Naik to the Salem Public Art Commission with a term to expire on September 13, 2020 was confirmed by a roll call vote of 10 yeas, 0 nays and 1 absent. Councillor Dibble, Dominguez, Flynn, Furey, Madore, McCarthy, Peterson, Sargent, Turiel and Gerard all voted in the affirmative. Councillor Milo was absent. Councillor Madore suspended the rules to allow Mr. Shea to speak. There were no objections.

**#536 – APPROP. OF \$332,225.08 WITHIN THE “RETIREMENT STABILIZATION FUND-VACATION/SICK LEAVE BUYBACK” ACCOUNT TO BE EXPENDED FOR THE FY 2019 CONTRACTUAL BUYBACKS FOR A LIST OF POLICE OFFICERS**

The following Order recommended by the Mayor was adopted under suspension of the rules.

ORDERED: That the sum of Three Hundred and Thirty-Two Thousand, Two Hundred and Twenty-Five Dollars and Eight cents (\$332,225.08) be approved within the “Retirement Stabilization Fund-Vacation/Sick Leave Buyback” account to be expended for the FY 2019 contractual buybacks for a list of Police Officers in accordance with the recommendation of Her Honor the Mayor.

Councillor Furey made a motion to send city seals to each retiring police officer on the list. It was so voted.

**SEPTEMBER 13, 2018****CITY COUNCIL****REGULAR MEETING****#537 – APPROP. OF \$20,000.00 FROM THE RECEIPTS RESERVED FUNDS LISTED BELOW TO THE DEPARTMENT OF PUBLIC SERVICES BURIAL ACCOUNT**

The following Order recommended by the Mayor was adopted under suspension of the rules.

ORDERED: That the sum of Twenty Thousand Dollars (\$20,000.00) is hereby appropriated from the Receipts Reserved funds listed below to the Department of Public Services Burial Account in accordance with the recommendation of Her Honor the Mayor.

<u>From</u>	<u>To</u>	<u>Amount</u>
R/Res Sale of Lots	DPS Burial	\$16,000.00
R/Res Sale of Vaults	DPS Burial	<u>\$ 4,000.00</u>
	TOTAL	\$20,000.00

**#538 – APPROP. OF \$3,557.13 BE APPROVED WITHIN THE “RETIREMENT STABILIZATION FUND-VACATION/SICK LEAVE BUYBACK” ACCOUNT TO BE EXPENDED FOR THE FY 2019 CONTRACTUAL BUYBACK FOR JOYCE STEWART, PARKING GARAGE EMPLOYEE**

The following Order recommended by the Mayor was adopted under suspension of the rules.

ORDERED: That the sum of Three Thousand, Five Hundred and Fifty-Seven Dollars and Thirteen cents (\$3,557.13) be approved within the “Retirement Stabilization Fund-Vacation/Sick Leave Buyback” account to be expended for the FY 2019 contractual buyback for Joyce Stewart, Parking Garage Employee, in accordance with the recommendation of Her Honor the Mayor.

**#539 – TO ACCEPT THE DONATION OF \$2,100.00 FROM THE MOOSE LODGE FOR THE POLICE K9 DONATION FUND**

The following Order recommended by the Mayor was adopted.

ORDERED: To accept the donation from Moose Lodge NO. 218 totaling Two Thousand One Hundred Dollars (\$2,100.00). These funds will be deposited into the Police K9 Donation Fund in accordance with the recommendation of Her Honor the Mayor.

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**#540 - LETTER FROM THE MAYOR REGARDING THE CARNIVAL IN OCTOBER**

The following Letter submitted by the Mayor was received and placed on file

Ladies and Gentlemen of the City Council:

This letter is being submitted to notify you that we will not be filing a request to accommodate the October carnival this year. For the last eleven years, we have scheduled the carnival as an important part of our Haunted Happenings public safety operations, but after conversations with members of the City Council, it is now apparent that there are not sufficient votes to adjust the Ordinances prohibiting carnivals on either Riley Plaza or Salem Common – the two locations deemed most suitable for such an event by the Salem Police Department.

I am disappointed we will be removing this important tool from the Salem Police Department's toolkit for October. In 2006, the last year before we instituted the carnival, there were close to 40 arrests in October; in 2007, the first year of the carnival that number fell to 15 (for the last several years, arrests have been in single digits). Since that time, we have continued to improve our public safety response to October, not simply by adding more officers or resources, but using programmatic strategies including music stages, concluding fireworks, and the carnival. These assets helped make October more of a family-friendly event, changing the nature of the visitors who came to the city, especially later in the month. The carnival is more than an amusement and was an especially important component in providing youth between 13 and 20 with a constructive activity, in a well-lit and easily monitored location.

We will adjust public safety planning and resource allocation accordingly, of course, but the other impact of removing the carnival will be the reduction of \$20,000 to \$30,000 in additional revenues the carnival generated to help support public safety costs.

While a final proposal was not presented to the City Council until July, believe me the process of studying the suitability of over a dozen sites had commenced months earlier. Unfortunately, we were not able to coalesce around one site and generate support among a majority of councilors to move forward.

We will take the next month to regroup with Salem Police, NEMLEC, and our other public safety partners, in order to develop a plan for managing the October season without this resource in place.

**#541 – MONTHLY FINANCIAL REPORT DATED JUNE 30, 2018**

Councillor Turiel introduced the following Order that was adopted.

ORDERED: That the Monthly Financial Report dated June 30, 2018, be referred to the Committee on Administration and Finance

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**#542 – MONTHLY FINANCIAL REPORT DATED JULY 31, 2018**

Councillor Turiel introduced the following Order that was adopted.

ORDERED: That the Monthly Financial Report dated July 31, 2018, be referred to the Committee on Administration and Finance

**#543 – YEAR TO DATE BUDGET REPORT DATED APRIL - JUNE, 2018**

Councillor Turiel introduced the following Order that was adopted.

ORDERED: That the Year-To-Date Budget Report dated April - June 2018, be referred to the Committee on Administration and Finance

**#544 – TEMPORARY RESIDENT STICKER STREETS FOR HALLOWEEN**

Councillor Madore introduced the following Order which was referred to the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole

ORDERED: That the following streets be given temporary status as “Parking Prohibitions Towing Zones, Resident Sticker” parking from October 1 through October 31, 2018 to allow parking enforcement staff and police officers to enforce during the month of October.

1. Broad Street
2. Downing Street
3. Endicott Street
4. Hathorne Street
5. Margin Street
6. Mt. Vernon Street
7. Prescott Street
8. Summer Street
9. Winthrop Street
10. Union Street

Be it further ordered that the fine for violating the aforementioned temporary parking prohibitions during the month of October shall be \$15 on Monday, Tuesday, Wednesday, and Thursday, and \$40 Friday, Saturday, and Sunday.

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**#545 – SALEM YOUTH ORGANIZATIONS TO COLLECT FEES AT THE UNIVERSAL PARKING LOT AT 297 BRIDGE STREET**

Councillor Madore introduced the following Order that was adopted.

ORDERED: Salem youth organizations (e.g. Salem High School Music Boosters, Salem High School Football Boosters, Salem High School Drama Club and Salem Youth Football and others), are hereby authorized to staff the parking lot at 297 Bridge Street and collect a parking fee of \$20.00 per day on the following designated weekend and holiday dates:

- a) October 6, 7, 8
- b) October 13, 14
- c) October 20, 21
- d) October 27, 28

Organizations interested in staffing the lot are to schedule dates through the City of Salem's Traffic and Parking Department.

**#546 – FREE PARKING TO SALEM RESIDENTS ON WEEKENDS IN OCTOBER**

Councillor Madore introduced the following Order that was adopted.

ORDERED: The City of Salem lot at the MBTA Station and the Church Street West lot shall be made available for use by Salem residents at no cost for weekends in October.

**#547 – EMERGENCY PARKING PASSES ISSUED BY THE ACTING DIRECTOR OF TRAFFIC AND PARKING DURING THE MONTH OF OCTOBER**

Councillor Madore introduced the following Order that was adopted.

ORDERED: Up to twenty-five (25) parking passes shall be issued by the Acting Director of Traffic and Parking to residents who demonstrate an emergency need for access to resident only parking in the month of October but live on a street that is not limited to resident parking, either annually or only in October.

**SEPTEMBER 13, 2018****CITY COUNCIL****REGULAR MEETING****#548 – DOWNTOWN CONDO OWNERS TO PARK ON RESIDENT STICKER STREETS DURING OCTOBER**

Councillor Madore introduced the following Order which was referred to the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole

ORDERED: That residents at the following addresses required to purchase parking passes at either the Museum Place Garage or South Harbor Garage shall be granted a temporary one (1) month parking pass, allowing them to park upon any street granted temporary resident only parking status between October 1 and October 31, either by order or by ordinance.

1. 7 Crombie Street (Bluestone Condominiums)
2. 11 Church Street (Essex Condominiums)
3. 281 Essex Street (Latitude Condominiums)
4. 51 Lafayette Street (Derby Lofts)
5. 50 St. Peter Street (Iron Bar Condominiums)
6. Townhouse Square Condos
7. 141 Washington Street

**#549 – ORDINANCE AMENDING TRAFFIC - WASHINGTON SQUARE AND BROWN STREET – ONE WAY**

Councillor Madore introduced the following Traffic Ordinance which as adopted for first passage as amended

**An Ordinance to Amend an Ordinance relative to Traffic, Ch. 42 Sec. 10 “One Way Streets”**

Section 1. Ch. 42, Section 10 is hereby amended by adding the following:

Brown Street – One Way Streets – from opposite 2 Brown Street to Washington Square West, one way in an easterly direction.

Washington Square North – One Way Streets – from 19 ½ Washington Square North to 2 Brown Street, one way in a southwesterly direction.

Section 2. This Ordinance shall take effect as provided by City Charter

A motion to amend Section 1. By adding the following to the end of the Brown Street with two (2) dedicated turn lanes, one to turn right and the other to turn left was adopted.

**An Ordinance to Amend an Ordinance relative to Traffic, Ch. 42 Sec. 10 “One Way Streets”**

Section 1. Ch. 42, Section 10 is hereby amended by adding the following:



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Brown Street – One Way Streets – from opposite 2 Brown Street to Washington Square West, one way in an easterly direction, with two (2) dedicated turn lanes, one to turn right and the other to turn left

Washington Square North – One Way Streets – from 19 ½ Washington Square North to 2 Brown Street, one way in a southwesterly direction.

Section 2. This Ordinance shall take effect as provided by City Charter

**#550 – AN ORDINANCE AMENDING TRAFFIC BUS STOPS AND METERED ZONES – WASHINGTON STREET**

Councillor Madore introduced the following Traffic Ordinance which as adopted for first passage.

**An Ordinance to amend an Ordinance relative to traffic Ch. 42 Sec. 11 “Bus Stops and Section 56 “Parking Meter Zones Established”**

**Section 1.** Ch. 42 Sec. 11 Bus Stops is hereby amended by repealing the following:

Washington Street – Bus Stops – easterly side, from a point beginning on the southerly side of Federal Street and Washington Street and proceeding thirty (30) feet in a southerly direction.

Washington Street – Bus Stops – easterly side, from a point beginning twenty (20) feet from the southerly side of Federal Street in a southerly direction to a point located twenty (20) feet from the northerly side of Church Street.

**Section 2.** Ch. 42, Sec 56 is hereby amended by replacing the following:

Washington Street – Parking Meter Zones Established – easterly side, from Church Street to Essex Street. Four (4) hour parking and replacing with

Washington Street – Parking Meter Zones Established – easterly side, from a point beginning sixty (60) feet north of Federal Street to Essex Street. Four (4) hour parking.

Section 3. This Ordinance shall take effect as provided by City Charter

**SEPTEMBER 13, 2018****CITY COUNCIL****REGULAR MEETING****#551 – ORDINANCE AMENDING TRAFFIC – LORING AVE PARKING TIME LIMITED: UNMETERED ZONES**

Councillor Turiel introduced the following Traffic Ordinance which as adopted for first passage.

An Ordinance to Amend an Ordinance relative to traffic Ch. 42, Sec. 57A “Parking Time Limited: Unmetered Zones”

**Section 1.** Section 57A of Article V be amended by repealing the following:

Loring Avenue – Parking Time Limited: Unmetered Zones – southeasterly side beginning at a point of forty (40) feet north of College Drive and continuing to the intersection of Linden Street and the marked crosswalk, excluding existing marked bus stops and handicap zones. Fifteen (15) minute parking only tow zone, Monday through Friday 7:00 A.M. to 4:00 P.M., or by special permit only issued by the Horace Mann Laboratory School (HMLS).

And replacing it with the following:

Loring Avenue – Parking Time Limited: Unmetered Zones – southeasterly side beginning at a point of forty (40) feet north of College Drive and continuing to the intersection of Linden Street and the marked crosswalk, excluding existing marked bus stops and handicap zones. Four (4) hour parking as marked by signs, Monday through Friday, 8:00 A.M. to 8:00 P.M.

**Section 2.** This Ordinance shall take effect as provided by City Charter

**#552 – ORDINANCE AMENDING TRAFFIC BUS STOPS – CONGRESS STREET**

Councillor McCarthy introduced the following Traffic Ordinance which as adopted for first passage as amended.

**An Ordinance to amend an Ordinance relative to traffic Ch. 42 Sec. 11 “Bus Stops**

**Section 1.** Ch. 42, Sec.11 Bus Stops is hereby amended by repealing the following:

Congress Street Bridge – Bus Stops – outbound, southeasterly direction for a distance of one hundred sixty (160) feet starting at the beginning of the Bridge curbing. Near 26 Congress Street. Tour Bus Parking only, Tow Zone.

And replacing it with

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Congress Street Bridge – Bus Stops – outbound, southeasterly direction for a distance of one hundred sixty (160) feet starting one hundred fifty (150) feet from the beginning of the Bridge curbing. Tour Bus Parking only, Tow Zone.

**Section 2.** Ch. 42, Sec. 11 Bus Stops is hereby amended by adding the following:

Congress Street – Bus Stop – Inbound, northwesterly direction for a distance of fifty (50) feet beginning eighty-six (86) feet from the intersection of Peabody Street. Tour Bus Parking Only. Tow Zone.

Section 3. This Ordinance shall take effect as provided by City Charter

A motion to add in Section 2. At the end of the last sentence – Seasonal October 1<sup>st</sup> to November 2<sup>nd</sup> was adopted.

**An Ordinance to amend an Ordinance relative to traffic Ch. 42 Sec. 11 “Bus Stops**

**Section 1.** Ch. 42, Sec.11 Bus Stops is hereby amended by repealing the following:

Congress Street Bridge – Bus Stops – outbound, southeasterly direction for a distance of one hundred sixty (160) feet starting at the beginning of the Bridge curbing. Near 26 Congress Street. Tour Bus Parking only, Tow Zone.

And replacing it with

Congress Street Bridge – Bus Stops – outbound, southeasterly direction for a distance of one hundred sixty (160) feet starting one hundred fifty (150) feet from the beginning of the Bridge curbing. Tour Bus Parking only, Tow Zone.

**Section 2.** Ch. 42, Sec. 11 Bus Stops is hereby amended by adding the following:

Congress Street – Bus Stop – Inbound, northwesterly direction for a distance of fifty (50) feet beginning eighty-six (86) feet from the intersection of Peabody Street. Tour Bus Parking Only. Tow Zone. Seasonal October 1<sup>st</sup> to November 2<sup>nd</sup> was adopted.

Section 3. This Ordinance shall take effect as provided by City Charter

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**#553- ORDINANCE AMENDING TRAFFIC SCHEDULE OF FINES FOR RESIDENT STICKER PARKING FOR THE MONTH OF OCTOBER**

Councillor Madore introduced the following Order which was referred to the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole due to the late file.

In the year Two Thousand and Eighteen

An Ordinance to amend an Ordinance relative to Traffic Ch. 42 Sec. 17A – Schedule of Fines re: Penalties

Be it Ordained by the City Council of the City

Sec. 1. Chapter 42, Section 17A – Schedule of Fines re: Penalties is hereby amended by repealing the following:

\$15.00 Fine / \$40.00 Fine on Friday, Saturday and Sunday during month of October for violation of Parking Prohibitions Towing Zone (Resident Sticker, Sec. 75)

And replacing it with the following:

\$50.00 Fine Monday – Sunday during the month of October for violation of Parking Prohibitions Towing Zone (Resident Sticker, Sec. 75)

*Section 2.* This Ordinance shall take effect as provided by City Charter.

**#554 (#215 & #216) – DENIAL OF TAXI OPERATOR LICENSE**

Councillor McCarthy offered the following report for the Committee on Ordinances, Licenses & Legal Affairs. It was voted to accept the report and adopt the recommendation.

The Committee on Ordinances, Licenses & Legal Affairs to whom was referred the matter of a taxi operator hearing request for Jael Pena has considered said matter and would recommend denial.

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**#555 (#481) – HOLDING A CARNIVAL AT RILEY PLAZA BY WAIVING CH. 24, SEC. 18 OF CODE OF ORDINANCE**

Councillor McCarthy offered the following report for the Committee on Ordinances, Licenses & Legal Affairs co-posted with the Committee of the Whole. It was voted to accept the report and adopt the recommendation. Councillor Madore was recorded as opposed.

The Committee on Ordinances, Licenses & Legal Affairs co-posted with the Committee of the Whole to whom was referred the matter of waiving a city ordinance Ch. 24 Sec. 18, Circuses and Carnivals prohibited within Riley Plaza to enable Fiesta Shows to hold a carnival at Riley Plaza from 10/9-11/2/18 has considered said matter and would recommend a negative recommendation (denial)

**#556 (#484) – ORDINANCE RELATIVE TO ALLOWING SHORT-TERM RENTALS**

Councillor McCarthy offered the following report for the Committee on Ordinances, Licenses & Legal Affairs co-posted with the Committee of the Whole. It was voted to accept the report.

The Committee on Ordinances, Licenses & Legal Affairs co-posted with the Committee of the Whole to whom was referred the matter to allow short-term rental in the City of Salem has considered said matter and would recommend no recommendation

*In the year Two Thousand and Eighteen*

**An Ordinance** to allow short-term rentals in the City of Salem.

*Be it ordained by the City Council of the City of Salem, as follows:*

AN ORDINANCE ALLOWING SHORT-TERM RESIDENTIAL RENTALS IN THE CITY OF SALEM

***Be it ordained by the City Council of Salem, as follows:***

**SECTION 1.** A new section of the City of Salem Code, Ordinances, PART III, CHAPTER 15 SHORT-TERM RENTALS is hereby enacted as follows:

**“Chapter 15 Short-Term Residential Rentals.**

***15-1 Purpose.***

The purpose of this section is to provide a process through which certain dwelling units may be registered with the City of Salem for use as short-term rental units under the stipulations laid out within the ordinance.

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***15-2 Definitions.***

*Booking Agent.* Any person or entity that facilitates reservations or collects payment for a Short-Term Rental on behalf of or for an Operator.

*Director.* Director of the Inspectional Services Department or a designee.

*ISD.* City of Salem Inspectional Services Department.

*Operator.* A natural person who is either the owner or the lawful tenant of the Residential Unit that he or she seeks to offer as a Short-Term Rental. Only one owner or one tenant may be registered as an Operator for a residential Unit, and it shall be unlawful for any other person, even if that person is an owner or a lawful tenant and meets the qualifications of Primary Resident, to offer a Residential Unit for Short-Term Residential Rental.

*Home Share Unit.* An entire Residential Unit offered as a Short-Term Rental that is the Operator's Primary Residence.

*Limited Share Unit.* A Residential Unit that is the Operator's Primary Residence, a portion of which is offered as a Short-Term Rental while the Operator is present. Occupancy shall be limited to three bedrooms including the bedroom of the Operator in a Limited Share Unit.

*Non-Owner Occupied Unit.* An entire Residential Unit where the Operator or owner does not live in either the unit or the building and it is not the Operator's primary residence.

*Owner-Adjacent Unit.* An entire Residential Unit offered as a Short-Term Rental that is not the Owner's Primary Residence but that is located within the same dwelling or is otherwise within the same property as the Primary Residence of, and is owned by, said Owner.

*Primary Residence.* The Residential Unit in which the Operator resides for at least six months out of a twelve-month period. Primary residence is demonstrated by showing that as of the date of registration of the Residential Unit, the Operator has resided in the Residential Unit for six of the past twelve months or that the Operator intends to reside in the Residential Unit for six of the next twelve months, as demonstrated by at least two of the following: utility bill, voter registration, motor vehicle registration, deed, lease, driver's license, other state-issued identification, or proof of residential exemption.

*Residential Unit.* A Residential Unit is a dwelling unit as defined in the zoning ordinance but excludes the following: a congregate living complex; elderly housing; a group residence; a homeless shelter; temporary dwelling structure; and transitional housing. *Short-Term Rental(s).* The use of a Residential Unit for residential occupancy by a person or persons for a period of fewer than thirty (30) consecutive calendar days for a fee. A Short-Term Rental may or may not be facilitated through a Booking Agent.

***15-3 Short-Term Residential Rentals in the City of Salem.***

No Residential Unit shall be offered as a Short-Term Rental except in compliance with the provisions of this section and any regulations that may be promulgated by the Building Inspector to carry out the provisions of this section.

***15-4 Ineligible Residential Units.***

a. The following Residential Units are not eligible to be offered as Short-Term Rentals:

(i) Residential Units where the Operator or owner does not live in either the unit, the building, or within the property and it is not the Operator's primary residence, unless it qualifies under the exception for existing Non-Owner Occupied Unit, provided in section 15-6 d., below.

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(ii) Residential Units that are located within properties designated as a "Problem Property" pursuant to Section 2-705 (a) (4) of this Code.

(iii) Residential Units that are the subject of three or more findings of violations of this section within a six (6) month period, or three or more violations of any municipal ordinance or state law or code relating to excessive noise, improper disposal of trash, disorderly conduct, or other similar conduct within a six (6) month period. Units found ineligible pursuant to this subsection shall remain ineligible for a six (6) month period immediately following the third violation.

(iv) Residential Units located within a property subject to any outstanding building, sanitary, zoning, or fire code violations, orders of abatement, stop work orders, unpaid taxes, water/sewer or tax liens, or other existing judgments or penalties imposed by the City so long as the matter remains unresolved. If a violation or other order is issued after the Residential Unit has been registered, ISD shall suspend the Residential Unit's registration until the violation has been cured or otherwise resolved.

***15-5 Residential Units Not Subject to Certain Provisions of this Chapter.***

a. ***Currently Licensed Lodging Houses.*** A Residential Unit offered as a Short-Term Rental that is located in a dwelling holding a current and valid Certificate of Occupancy as a lodging house from ISD and a lodging house license from the Salem Licensing Board as of the effective date of this section shall be subject to the registration and room occupancy excise tax requirements contained herein but shall not be subject to any limitation with respect to the number of days per year that a unit or units may be rented out as a Short-Term Rental.

b. ***Existing Bed and Breakfasts.*** A Residential Unit offered as a Short-Term Rental that holds a current and valid Certificate of Occupancy as a bed and breakfast from ISD as of the effective date of this section shall be subject to the registration and room occupancy excise tax requirements contained herein but shall not be subject to any limitation with respect to the number of days per year that a unit or units may be rented out as a Short-Term Rental.

c. ***Residential Units Contracted for Hospital Stays.*** The use of a dwelling unit or portion thereof for which a contract exists between the owner of the dwelling unit and a healthcare facility or government entity or non-profit organization registered as a charitable organization with the Secretary of the Commonwealth of Massachusetts or classified by the Internal Revenue Service as a public charity or private foundation that provides for the temporary housing in such unit of individuals who are being treated for trauma, injury, or disease, or their family members, shall not be considered a Short-Term Rental.

d. ***Residential Units Used for Furnished Institutional or Business Stays.*** The use of a Residential Unit for which a contract or an agreement exists between the building owner, a corporate housing operator and an institution or business for the temporary housing of employees or individuals affiliated with such institutions or business, where the minimum stay is at least ten days, shall not be considered a Short-Term Rental.

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***15-6 Requirements for Short-Term Rentals.***

An Operator may only offer a Short-Term Rental subject to the following provisions:

- a. ***Registration*** pursuant to Section 2-705. Consistent with Section 2-705, every new owner and/or Operator is required to complete a new registration form and obtain a new certificate of fitness prior to making the unit available as a Short-Term Rental.
- b. ***Short-Term Rental of a Home Share Unit.*** An Operator may use his or her entire Home Share Unit as a Short-Term Rental without a limitation as to the number of days per year. Individual rooms within Home Share Units may not be offered as separate Short-Term Rentals.
- c. ***Short-Term Rental of a Limited Share Unit.*** An Operator may use his or her Limited Share Unit as a Short-Term Rental without limitation as to the number of days per year.
- d. ***Short-Term Rental of a Non-Owner Occupied Unit.*** An Operator may use his or her Non-Owner Occupied Unit as a Short-Term Rental only if the Operator was engaged in the Short-Term Rental of the property as of the date this Ordinance was filed with the Council and provided that the Operator obtains a Special Permit from the Zoning Board of Appeals. Qualifying Operators must petition for a Special Permit within 60 days of the date of passage of this Ordinance in order to be eligible for this exception. Rentals of Non-Owner Occupied Units must be for the entire unit; individual rooms within Non-Owner Occupied Units may not be offered as separate Short-Term Rentals. Non-Owner Occupied Units used for Short-Term Rental under this subsection shall be subject to section 36-6 of the ordinance and required to pay a trash fee, but shall not be eligible for a vacancy waiver pursuant to section 36-6 d.
- e. ***Short-Term Rental of an Owner-Adjacent Unit.*** An Operator may use his or her Owner-Adjacent Unit as a Short-Term Rental without limitation as to the number of days per year. Rentals of Owner-Adjacent Units must be for the entire unit; individual rooms within Owner-Adjacent Units may not be offered as separate Short-Term Rentals.
- f. ***Permission of Owner.*** An Operator must certify at the time of registration that he or she has the following permissions to offer his or her Residential Unit as a Short-Term Rental:
  - (i) Operator is the owner of the Residential Unit offered as a Short-Term Rental or is a tenant who uses the Residential Unit as his or her Primary Residence and has the permission of the Owner; and
  - (ii) that offering the Residential Unit as a Short-Term Rental complies with applicable condominium documents, bylaws, leases, or other governing documents.
- g. ***Local Contact.*** When registering, an Operator must provide his or her name and contact information, and, in the event the Operator is not present during the Short-Term Rental, the name and contact information of an individual who is able to respond in person to any issues or emergencies that arise during the Short-Term Rental within two (2) hours of being notified. Contact information must include a telephone number that is active twenty-four (24) hours per day to tenants, Short-Term Rental occupants, and public safety agencies. This phone number shall be included in the registration of the Short-Term Rental unit at the time of registration.
- h. ***Compliance and Interaction with Other Laws.*** The Operator shall comply with all applicable federal, state, and local laws and codes, including but not limited to the Fair Housing Act, G.L. c. 151B and Sec. 2-2055 of this Code, and all other regulations applicable to residential dwellings. The Residential Unit offered as a Short-Term Rental shall continue to be subject to the requirements of Sec. 2-705 of this



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Code to obtain a certificate of fitness and the applicable requirements of the State Sanitary Code. Occupancy limits contained in the Zoning Ordinance and the State Building and Sanitary Codes shall apply. A Residential Unit offered as a Short-Term Rental may also be subject to annual fire prevention inspection.

i. ***Retention of Records.*** The Operator shall retain and make available to ISD, upon written request, records to demonstrate compliance with this section, including but not limited to: records demonstrating number of months that Operator has resided or will reside in the Residential Unit and records showing that Operator is the owner or valid leaseholder of the Residential Unit offered as a Short-Term Rental. The Operator shall retain such records for a period of three years from the date the Residential Unit is last registered for a certificate of fitness inspection.

j. ***Notifications.***

(i) The Operator shall furnish each guest with a Community Information Card containing, at a minimum, (a) emergency telephone numbers for the Salem Police Department and Salem Fire Department, (b) a description of the regulations, if any, relative to on-street parking at the address and fines for parking violations, (c) a description of the City's trash and recycling requirements, including the date of trash and recycling collection at the address, and (d) a copy of the City's noise ordinance. A current copy of the unit's Community Information Card should be furnished to the City at the time of registration or inspection. The Operator shall also post a sign on the inside of the Residential Unit providing information on the location of all fire extinguishers in the unit, and, if applicable, the location of all fire exits and pull fire alarms in the dwelling.

(ii) The Operator, upon listing a Short-Term Rental with a Booking Agent, or modifying an existing listing shall file with the City an exact duplicate of the listing, including property address. Listings must specify the quantity of off-street parking, if any, and whether or not the address is located in a resident-parking zone, including the October resident-parking zone. The City shall maintain a list of the address and unit type of all short-term rentals on file with the City that are currently being offered.

(iii) The Operator must have on file with the City the name and contact information for the Operator if local or, if not local, the name and telephone number of an individual who can respond in person to any issues or emergencies at the property within two hours of being notified.

(iv) A Booking Agent with any listings in the City shall provide to the City on a quarterly basis an electronic report, in a format to be determined by the City. The report shall include a breakdown of where the listings are located, whether the listing is for a room or a whole unit, the number of nights each unit was reported as occupied during the applicable reporting period, and the Operator's name and full contact information

***15-7 Room Occupancy Excise.***

Any Short-Term Rental Units to which the Commonwealth extends any excise or surcharge, and the City extends a local option of such, shall comply with the provisions of said statutes. However, where allowable operators may use a Booking Agent and the Booking Agent may enter into an agreement with the City for the collection and remittance of such tax. If the Operator does not use a Booking Agent to do so, the Operator is solely responsible for collecting and remitting the applicable tax.

***15-8 Complaint Process; Violations.***

Complaints shall be made to the Inspectional Services Department and investigation shall commence within 30 days. Violations may, at the Building Inspector's discretion, result in a warning or an Ordinance ticket and the maximum appropriate fine. Three (3) or more such tickets within a six (6) month period will result in the unit no longer being eligible to that Operator for use as a short-term rental for a period of six (6) months following the most recent violation.

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Violations may include any failure to abide by this ordinance including, but not limited to, offering an ineligible unit, failure to furnish copy of Booking Agent listing or include required parking information in such listing, failure to furnish a Community Information Card to guests or furnishing one without the required minimum information, or failure to remit any required excise tax or surcharge as required by law. Unpaid taxes or surcharges shall also be liened against the property.

***15-9 Enforcement.***

a. ***Enforcement by City.*** The provisions of this section may be enforced in accordance with the noncriminal disposition process of M.G.L. c. 40, § 21D, and, if applicable, by seeking to restrain a violation by injunction. A violation of this section shall be sufficient cause for revocation of the right to operate the Short-Term Rental and/or a penalty by a non-criminal disposition, as provided in M.G.L. c. 40, § 21D, in an amount set forth in section 1-10 of this Code. Any person aggrieved by the revocation of the right to operate a Short-Term Rental or the imposition of a penalty may file an appeal as provided by the general laws.

b. ***Enforcement by Booking Agent.*** The City shall enter into agreements with Booking Agents for assistance in enforcing the provisions of this section, including but not limited to an agreement, whereby the Booking Agent agrees to remove a listing from its platform that is deemed ineligible for use as a Short-Term Rental under the provisions of this Ordinance and whereby the Booking Agent agrees to prohibit a host from listing any Short-Term Rental without proof of registration.

Any Booking Agent that fails to enter into such agreements to actively prevent, remove or de-list any ineligible listings shall be prohibited from conducting business in the City.

c. ***Featured Short-Term Rental Status.*** An Operator who is able to certify that there are no health, building, zoning, or other violations (including police citations) in the prior twelve (12) months associated with the property, is current on all excise and property taxes, and who has filed the Booking Agent listing and a copy of the Community Information Card with the City for the past twelve (12) months, shall be eligible for listing as a 'Featured Short-Term Rental.'

***15-10 Severability.***

If any provision of this section is invalidated by subsequent legislation or regulation, or held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect"

**SECTION 2.** This ordinance shall take effect as provided by City Charter.

A Motion was made to adopt for first passage as amended, in Section 2 the following be added to the end of the sentence, with the implementation date of April 15, 2019.

*In the year Two Thousand and Eighteen*

**An Ordinance** to allow short-term rentals in the City of Salem.

*Be it ordained by the City Council of the City of Salem, as follows:*

AN ORDINANCE ALLOWING SHORT-TERM RESIDENTIAL RENTALS IN THE CITY OF SALEM

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***Be it ordained by the City Council of Salem, as follows:***

**SECTION 1.** A new section of the City of Salem Code, Ordinances, PART III, CHAPTER 15 SHORT-TERM RENTALS is hereby enacted as follows:

**“Chapter 15 Short-Term Residential Rentals.**

***15-1 Purpose.***

The purpose of this section is to provide a process through which certain dwelling units may be registered with the City of Salem for use as short-term rental units under the stipulations laid out within the ordinance.

***15-2 Definitions.***

***Booking Agent.*** Any person or entity that facilitates reservations or collects payment for a Short-Term Rental on behalf of or for an Operator.

***Director.*** Director of the Inspectional Services Department or a designee.

***ISD.*** City of Salem Inspectional Services Department.

***Operator.*** A natural person who is either the owner or the lawful tenant of the Residential Unit that he or she seeks to offer as a Short-Term Rental. Only one owner or one tenant may be registered as an Operator for a residential Unit, and it shall be unlawful for any other person, even if that person is an owner or a lawful tenant and meets the qualifications of Primary Resident, to offer a Residential Unit for Short-Term Residential Rental.

***Home Share Unit.*** An entire Residential Unit offered as a Short-Term Rental that is the Operator's Primary Residence.

***Limited Share Unit.*** A Residential Unit that is the Operator's Primary Residence, a portion of which is offered as a Short-Term Rental while the Operator is present. Occupancy shall be limited to three bedrooms including the bedroom of the Operator in a Limited Share Unit.

***Non-Owner Occupied Unit.*** An entire Residential Unit where the Operator or owner does not live in either the unit or the building and it is not the Operator's primary residence.

***Owner-Adjacent Unit.*** An entire Residential Unit offered as a Short-Term Rental that is not the Owner's Primary Residence but that is located within the same dwelling or is otherwise within the same property as the Primary Residence of, and is owned by, said Owner.

***Primary Residence.*** The Residential Unit in which the Operator resides for at least six months out of a twelve-month period. Primary residence is demonstrated by showing that as of the date of registration of the Residential Unit, the Operator has resided in the Residential Unit for six of the past twelve months or that the Operator intends to reside in the Residential Unit for six of the next twelve months, as demonstrated by at least two of the following: utility bill, voter registration, motor vehicle registration, deed, lease, driver's license, other state-issued identification, or proof of residential exemption.

***Residential Unit.*** A Residential Unit is a dwelling unit as defined in the zoning ordinance but excludes the following: a congregate living complex; elderly housing; a group residence; a homeless shelter; temporary dwelling structure; and transitional housing. ***Short-Term Rental(s).*** The use of a Residential Unit for residential occupancy by a person or persons for a period of fewer than thirty (30) consecutive calendar days for a fee. A Short-Term Rental may or may not be facilitated through a Booking Agent.

***15-3 Short-Term Residential Rentals in the City of Salem.***

No Residential Unit shall be offered as a Short-Term Rental except in compliance with the provisions of this section and any regulations that may be promulgated by the Building Inspector to carry out the provisions of this section.

***15-4 Ineligible Residential Units.***

a. The following Residential Units are not eligible to be offered as Short-Term Rentals:

(i) Residential Units where the Operator or owner does not live in either the unit, the building, or within the property and it is not the Operator's primary residence, unless it qualifies under the exception for existing Non-Owner Occupied Unit, provided in section 15-6 d., below.

(ii) Residential Units that are located within properties designated as a "Problem Property" pursuant to Section 2-705 (a) (4) of this Code.

(iii) Residential Units that are the subject of three or more findings of violations of this section within a six (6) month period, or three or more violations of any municipal ordinance or state law or code relating to excessive noise, improper disposal of trash, disorderly

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conduct, or other similar conduct within a six (6) month period. Units found ineligible pursuant to this subsection shall remain ineligible for a six (6) month period immediately following the third violation.

(iv) Residential Units located within a property subject to any outstanding building, sanitary, zoning, or fire code violations, orders of abatement, stop work orders, unpaid taxes, water/sewer or tax liens, or other existing judgments or penalties imposed by the City so long as the matter remains unresolved. If a violation or other order is issued after the Residential Unit has been registered, ISD shall suspend the Residential Unit's registration until the violation has been cured or otherwise resolved.

***15-5 Residential Units Not Subject to Certain Provisions of this Chapter.***

a. ***Currently Licensed Lodging Houses.*** A Residential Unit offered as a Short-Term Rental that is located in a dwelling holding a current and valid Certificate of Occupancy as a lodging house from ISD and a lodging house license from the Salem Licensing Board as of the effective date of this section shall be subject to the registration and room occupancy excise tax requirements contained herein but shall not be subject to any limitation with respect to the number of days per year that a unit or units may be rented out as a Short-Term Rental.

b. ***Existing Bed and Breakfasts.*** A Residential Unit offered as a Short-Term Rental that holds a current and valid Certificate of Occupancy as a bed and breakfast from ISD as of the effective date of this section shall be subject to the registration and room occupancy excise tax requirements contained herein but shall not be subject to any limitation with respect to the number of days per year that a unit or units may be rented out as a Short-Term Rental.

c. ***Residential Units Contracted for Hospital Stays.*** The use of a dwelling unit or portion thereof for which a contract exists between the owner of the dwelling unit and a healthcare facility or government entity or non-profit organization registered as a charitable organization with the Secretary of the Commonwealth of Massachusetts or classified by the Internal Revenue Service as a public charity or private foundation that provides for the temporary housing in such unit of individuals who are being treated for trauma, injury, or disease, or their family members, shall not be considered a Short-Term Rental.

d. ***Residential Units Used for Furnished Institutional or Business Stays.*** The use of a Residential Unit for which a contract or an agreement exists between the building owner, a corporate housing operator and an institution or business for the temporary housing of employees or individuals affiliated with such institutions or business, where the minimum stay is at least ten days, shall not be considered a Short-Term Rental.

***15-6 Requirements for Short-Term Rentals.***

An Operator may only offer a Short-Term Rental subject to the following provisions:

a. ***Registration*** pursuant to Section 2-705. Consistent with Section 2-705, every new owner and/or Operator is required to complete a new registration form and obtain a new certificate of fitness prior to making the unit available as a Short-Term Rental.

b. ***Short-Term Rental of a Home Share Unit.*** An Operator may use his or her entire Home Share Unit as a Short-Term Rental without a limitation as to the number of days per year. Individual rooms within Home Share Units may not be offered as separate Short-Term Rentals.

c. ***Short-Term Rental of a Limited Share Unit.*** An Operator may use his or her Limited Share Unit as a Short-Term Rental without limitation as to the number of days per year.

d. ***Short-Term Rental of a Non-Owner Occupied Unit.*** An Operator may use his or her Non-Owner Occupied Unit as a Short-Term Rental only if the Operator was engaged in the Short-Term Rental of the property as of the date this Ordinance was filed with the Council and provided that the Operator obtains a Special Permit from the Zoning Board of Appeals. Qualifying Operators must petition for a Special Permit within 60 days of the date of passage of this Ordinance in order to be eligible for this exception. Rentals of Non-Owner Occupied Units must be for the entire unit; individual rooms within Non-Owner Occupied Units may not be offered as separate Short-Term Rentals. Non-Owner Occupied Units used for Short-Term Rental under this subsection shall be subject to section 36-6 of the ordinance and required to pay a trash fee, but shall not be eligible for a vacancy waiver pursuant to section 36-6 d.

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e. **Short-Term Rental of an Owner-Adjacent Unit.** An Operator may use his or her Owner-Adjacent Unit as a Short-Term Rental without limitation as to the number of days per year. Rentals of Owner-Adjacent Units must be for the entire unit; individual rooms within Owner-Adjacent Units may not be offered as separate Short-Term Rentals.

f. **Permission of Owner.** An Operator must certify at the time of registration that he or she has the following permissions to offer his or her Residential Unit as a Short-Term Rental:

(i) Operator is the owner of the Residential Unit offered as a Short-Term Rental or is a tenant who uses the Residential Unit as his or her Primary Residence and has the permission of the Owner; and  
(ii) that offering the Residential Unit as a Short-Term Rental complies with applicable condominium documents, bylaws, leases, or other governing documents.

g. **Local Contact.** When registering, an Operator must provide his or her name and contact information, and, in the event the Operator is not present during the Short-Term Rental, the name and contact information of an individual who is able to respond in person to any issues or emergencies that arise during the Short-Term Rental within two (2) hours of being notified. Contact information must include a telephone number that is active twenty-four (24) hours per day to tenants, Short-Term Rental occupants, and public safety agencies. This phone number shall be included in the registration of the Short-Term Rental unit at the time of registration.

h. **Compliance and Interaction with Other Laws.** The Operator shall comply with all applicable federal, state, and local laws and codes, including but not limited to the Fair Housing Act, G.L. c. 151B and Sec. 2-2055 of this Code, and all other regulations applicable to residential dwellings. The Residential Unit offered as a Short-Term Rental shall continue to be subject to the requirements of Sec. 2-705 of this Code to obtain a certificate of fitness and the applicable requirements of the State Sanitary Code. Occupancy limits contained in the Zoning Ordinance and the State Building and Sanitary Codes shall apply. A Residential Unit offered as a Short-Term Rental may also be subject to annual fire prevention inspection.

i. **Retention of Records.** The Operator shall retain and make available to ISD, upon written request, records to demonstrate compliance with this section, including but not limited to: records demonstrating number of months that Operator has resided or will reside in the Residential Unit and records showing that Operator is the owner or valid leaseholder of the Residential Unit offered as a Short-Term Rental. The Operator shall retain such records for a period of three years from the date the Residential Unit is last registered for a certificate of fitness inspection.

j. **Notifications.**

(i) The Operator shall furnish each guest with a Community Information Card containing, at a minimum, (a) emergency telephone numbers for the Salem Police Department and Salem Fire Department, (b) a description of the regulations, if any, relative to on-street parking at the address and fines for parking violations, (c) a description of the City's trash and recycling requirements, including the date of trash and recycling collection at the address, and (d) a copy of the City's noise ordinance. A current copy of the unit's Community Information Card should be furnished to the City at the time of registration or inspection. The Operator shall also post a sign on the inside of the Residential Unit providing information on the location of all fire extinguishers in the unit, and, if applicable, the location of all fire exits and pull fire alarms in the dwelling.

(ii) The Operator, upon listing a Short-Term Rental with a Booking Agent, or modifying an existing listing shall file with the City an exact duplicate of the listing, including property address. Listings must specify the quantity of off-street parking, if any, and whether or not the address is located in a resident-parking zone, including the October resident-parking zone. The City shall maintain a list of the address and unit type of all short-term rentals on file with the City that are currently being offered.

(iii) The Operator must have on file with the City the name and contact information for the Operator if local or, if not local, the name and telephone number of an individual who can respond in person to any issues or emergencies at the property within two hours of being notified.

(iv) A Booking Agent with any listings in the City shall provide to the City on a quarterly basis an electronic report, in a format to be determined by the City. The report shall include a breakdown of where the listings are located, whether the

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listing is for a room or a whole unit, the number of nights each unit was reported as occupied during the applicable reporting period, and the Operator's name and full contact information

**15-7 Room Occupancy Excise.**

Any Short-Term Rental Units to which the Commonwealth extends any excise or surcharge, and the City extends a local option of such, shall comply with the provisions of said statutes. However, where allowable operators may use a Booking Agent and the Booking Agent may enter into an agreement with the City for the collection and remittance of such tax. If the Operator does not use a Booking Agent to do so, the Operator is solely responsible for collecting and remitting the applicable tax.

**15-8 Complaint Process; Violations.**

Complaints shall be made to the Inspectional Services Department and investigation shall commence within 30 days. Violations may, at the Building Inspector's discretion, result in a warning or an Ordinance ticket and the maximum appropriate fine. Three (3) or more such tickets within a six (6) month period will result in the unit no longer being eligible to that Operator for use as a short-term rental for a period of six (6) months following the most recent violation. Violations may include any failure to abide by this ordinance including, but not limited to, offering an ineligible unit, failure to furnish copy of Booking Agent listing or include required parking information in such listing, failure to furnish a Community Information Card to guests or furnishing one without the required minimum information, or failure to remit any required excise tax or surcharge as required by law. Unpaid taxes or surcharges shall also be liened against the property.

**15-9 Enforcement.**

a. **Enforcement by City.** The provisions of this section may be enforced in accordance with the noncriminal disposition process of M.G.L. c. 40, § 21D, and, if applicable, by seeking to restrain a violation by injunction. A violation of this section shall be sufficient cause for revocation of the right to operate the Short-Term Rental and/or a penalty by a non-criminal disposition, as provided in M.G.L. c. 40, § 21D, in an amount set forth in section 1-10 of this Code. Any person aggrieved by the revocation of the right to operate a Short-Term Rental or the imposition of a penalty may file an appeal as provided by the general laws.

b. **Enforcement by Booking Agent.** The City shall enter into agreements with Booking Agents for assistance in enforcing the provisions of this section, including but not limited to an agreement, whereby the Booking Agent agrees to remove a listing from its platform that is deemed ineligible for use as a Short-Term Rental under the provisions of this Ordinance and whereby the Booking Agent agrees to prohibit a host from listing any Short-Term Rental without proof of registration.

Any Booking Agent that fails to enter into such agreements to actively prevent, remove or de-list any ineligible listings shall be prohibited from conducting business in the City.

c. **Featured Short-Term Rental Status.** An Operator who is able to certify that there are no health, building, zoning, or other violations (including police citations) in the prior twelve (12) months associated with the property, is current on all excise and property taxes, and who has filed the Booking Agent listing and a copy of the Community Information Card with the City for the past twelve (12) months, shall be eligible for listing as a 'Featured Short-Term Rental.'

**15-10 Severability.**

If any provision of this section is invalidated by subsequent legislation or regulation, or held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect"

**SECTION 2.** This ordinance shall take effect as provided by City Charter, with the implementation date of April 15, 2019.

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**#557 (#485) – ORDINANCE AMENDING FINES FOR VIOLATIONS OF THE SHORT-TERM RENTAL ORDINANCE**

Councillor McCarthy offered the following report for the Committee on Ordinances, Licenses & Legal Affairs co-posted with the Committee of the Whole. It was voted to accept the report and adopt the recommendation. Councillor Turiel recused himself.

The Committee on Ordinances, Licenses & Legal Affairs co-posted with the Committee of the Whole. to whom was referred the matter to amend an ordinance relative to set fines for violations of the short-term rental ordinance in the City of Salem has considered said matter and would recommend that the ordinance be adopt as amended for first passage.

*In the year Two Thousand and Eighteen*

**An Ordinance** to amend the ordinance to set fines for violation of short-term rentals ordinance in the City of Salem.

***Be it ordained by the City Council of the City of Salem, as follows:***

**AN ORDINANCE TO AMEND THE ORDINANCE TO INCLUDE FINES FOR VIOLATIONS OF THE SHORT-TERM RESIDENTIAL RENTAL ORDINANCE IN THE CITY OF SALEM**

**SECTION 1.** An amendment to the City of Salem Code, Ordinances, PART II, CHAPTER 1, Sec. 1-10 (c). - *Noncriminal disposition of ordinance violations* is hereby enacted as follows:

**“CHAPTER 15 SHORT-TERM RESIDENTIAL RENTALS:**

Sections 15-1 through 15-9, Violations of Short-Term Rental Ordinance.

Penalty:

First offense .....	\$ 50.00
Second offense .....	\$150.00
Third and all subsequent offenses .....	\$300.00

Enforcing persons: Building inspector(s), board of health personnel, and police department personnel.”

**SECTION 2.** This ordinance shall take effect as provided by City Charter.

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**#558 (#483) – TO DECLARE LOT 2 OF 289 DERBY STREET SURPLUS AND TO CONVEY LOT 2 TO THE SALEM REDEVELOPMENT AUTHORITY (SRA)**

Councillor McCarthy offered the following report for the Committee on Ordinances, Licenses & Legal Affairs co-posted with the Committee of the Whole. It was voted to accept the report and adopt the recommendation. Councillor Furey was recorded as opposed.

The Committee on Ordinances, Licenses & Legal Affairs co-posted with the Committee of the Whole to whom was referred the matter to amend an ordinance relative to Declaring Lot 2 of 289 Derby St. as surplus and to further convey Lot 2 to the Salem Redevelopment Authority has considered said matter and would recommend that the matter remain in committee.

**#559 – AMENDING AN ORDINANCE RELATIVE TO THE GREENLAWN CEMETERY**

The following Ordinance introduced by the City Solicitor was referred to the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole.

In the year two thousand and Eighteen

An Ordinance to amend an Ordinance relative to Greenlawn Cemetery

**Section 1.** Sec. 16-68. – *Form of deed for sale of new lots* is hereby amended by adding the following immediately after the last sentence in the “FIFTH” paragraph:

“The City also reserves the right to remove any extraneous matter found at or around a grave site to include items such as flags, pennants, sports paraphernalia, articles of childhood, personal pictures and photographs, religious and other extraneous materials not in keeping with the dignity and reverence of a final resting spot for all. The removal of such items will occur immediately upon discovery by Cemetery Personnel. The only exception to this will be permanent veteran’s markers officially sanctioned by the federal or state government.”

**Section 2.** This Ordinance shall take effect as provided by City Charter.

**#560 – OWNERSHIP CHANGE FOR SECOND-HAND CLOTHING STORE ON BOSTON STREET**

A Communication from Joao Silva, owner of Boston Street Resale, located at 134 ½ Boston Street to inform the City Council that the ownership of the Second-Hand Clothing store has changed to Maria Silva but the store name has remained the same has been received and placed on file.



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**#561 – BLOCK PARTY – WINTER STREET**

A Request from the residents of Winter Street to hold a block Party on September 15, 2018 from 2:00pm – 8:00pm, with a rain date of September 22, 2018 was granted.

**#562 – ROAD RACE – FRIENDS OF NORTHSORE EDUCATION CONSORTIUM**

A Request from Friends of Northshore Education Consortium to hold a road race (Festivus 5K for Autism) and use of city streets on December 9, 2018 was granted

**#563 – CONDUIT ON DODGE STREET**

A Hearing was ordered for September 27, 2018 for a petition from National Grid to install a conduit on Dodge Street.

**#564 – AT&T TELECOMMUNICATION GRANT OF LOCATION ON HIGHLAND AVE**

A Hearing was ordered for September 27, 2018 for a petition from New Cingular Wireless PCS, d/b/a AT&T for grant of location for Telecommunications Wires and Wireless Attachments and Appurtenances on an existing non-city owned pole located at 250 Highland Ave. and to install conduits or direct bury cables

**#565 – AT&T TELECOMMUNICATION GRANT OF LOCATION ON SYMONDS STREET**

A Hearing was ordered for September 27, 2018 for a Petition from New Cingular Wireless PCS, d/b/a AT&T for grant of location for Telecommunications Wires and Wireless Attachments and Appurtenances on an existing non-city owned pole located at 31 Symonds St. and to install conduits or direct bury cables

**#566 – AT&T TELECOMMUNICATION GRANT OF LOCATION ON LIBERTY HILL AVE**

A Hearing was ordered for September 27, 2018 for a Petition from New Cingular Wireless PCS, d/b/a AT&T for grant of location for Telecommunications Wires and Wireless Attachments and Appurtenances on an existing non-city owned pole located at 27 Liberty Hill Ave. and to install conduits or direct bury cables

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The Following License Applications were granted:

**LIMOUSINE/TAXI CAB:** Witch City Taxi, 92 Jackson Street, Salem (2 Limo's)  
Salem Taxi, 30 Federal Street, Salem (1 Taxi)

**PUBLIC GUIDES:** Gwendolyn Robinson, 18 Conant St., Salem  
Amanda Rivera-Dixey, 2 Ober St., Salem  
Molly Morrow, 23 Osborne St., Peabody  
Rachel Sherman, 15 Short St., Gloucester  
Sarah Black, 8 Cross St., Salem  
Ashley Rogers, 231 Lafayette St., Salem  
Matthew Laramie, 2 Majority Ln., Woburn  
Paige Welch, 90 Faith Dr., Hampstead, NH  
Sarah Michaud, 13 Becket St., Salem  
Julia Gleason, 28 Stockbridge St., Cohasset, MA  
Nathan Neihardt-King, 221 Lafayette St., Salem

**TAXI OPERATORS:** Steven Pepin, 39 Shore Drive Apt. D, Peabody  
Dorian Conoa, 18 Beckford Ave., Revere  
Victor Rodriguez, 52 Peabody St. Apt 1L, Salem  
Rafael Espinal, 43 Childs St., Lynn  
Wade Durkee, 116 Lafayette St., Salem  
Clint Desa, 21 Roslyn St., Salem  
Marlon Reyes-Polance, 24 Shore Dr., Peabody

**VEHICLE FOR HIRE:  
OPERATORS ONLY** Roger Fruggiero 11 Berrywood Lane, Salem

**#571 - #573 – TAG DAYS APPLICATIONS**

The Following License Applications were referred to the Committee on Ordinances, Licenses & Legal Affairs.

**TAG DAYS:** S.H.S. Girls Basketball 12/16/2018, 1/5/2019 & 1/19/2019  
S.H.S. Girls Lacrosse 3/23/2019, 4/13/2019 & 5/11/2019  
S.H.S. Baseball 4/6/2019, 4/27/2019 & 5/18/2019

**SEPTEMBER 13, 2018**

**CITY COUNCIL**

**REGULAR MEETING**

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**#574 - #579 CLAIMS**

The Following Claims were referred to the Committee on Ordinances, Licenses & Legal Affairs

Brian Kisiel, 54 Hinston Rd., Woburn  
Kevin Ramsay, 82 Linden St., Salem  
Sean Brennan, 10 Robinson Rd., Beverly  
Michael & Danielle Libby, 9 Outlook Hill, Salem  
Tristan Smith, 282 Washington St., Salem  
Vickie-Anne Tsoutsouras, 139 Haverhill St., Rowley

**#580 – DRAINLAYER / CONTRACT OPERATOR**

The Drainlayer/Contract Operator License for EKB Equipment LLC, 14 Pine St., Danvers was granted.

**#581 – BONDS**

The Following Bond was referred to the Committee on Ordinances, Licenses & Legal Affairs and returned approved.

DRAINLAYER: EKB Equipment LLC, 14 Pine St., Danvers

On the motion of Councillor Furey the meeting adjourned at 10:30 P.M.

ATTEST:

ILENE SIMONS  
CITY CLERK