

CITY OF SALEM

An Ordinance to amend an ordinance relative public guides

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

Section 1. Chapter 40, Section 40-27 *Application requirements; exemptions* is hereby amended by deleting this section in its entirety and replacing it with the following:

“Sec. 40-27. Application requirements; exemption.

- (a) Each applicant who applies for a public guide license shall be at least 18 years of age and submit to and clear a criminal background investigation through the Massachusetts Criminal Offender Record Information (CORI) process.
- (b) Any person while acting as teacher employed by a public or private school may function as a public guide for students enrolled in such school without first applying for a public guide license.
- (c) For licenses effective January 1, 2025 and thereafter, applicants may apply for one of three license types, tours of up to 10 participants, tours of up to 29 participants or a tours with a maximum of 40 participants, not including the guide, for a fee set forth in Sec.14-38 of this Code.
- (d) Public guides not utilizing any form of amplification after January , 2025 shall be eligible for a fee discount as provided in section 14-38 of this Code.”

Section 2. Chapter 40, Section 40-28. *Contents; badge of licensee* is hereby amended by adding the following new paragraph at the end of this section:

“Effective January 1, 2025, each public guide shall also display a badge, placard or decal issued by the city indicating the permitted tour size.”

Section 3. Chapter 40, Sec. 40-30. *Prohibitions* is hereby amended by adding the following new prohibitions:

- “(11) Stop a tour to point out or impart information if within twenty-five feet of another stopped tour;
- (12) Conduct a tour with more than forty participants; or
- (13) Conduct a tour without having obtained a one-time safety and compliance briefing offered by the Salem Police Department.”

Section 4. Amend section 40-31 *Revocation; penalty* by adding a new sentence at the end of this section:

“Any public guide receiving three notices of violation during a licensed period shall be immediately referred to the City Council for a revocation of license hearing. Unless otherwise voted by the City Council, license revocations shall be effective for the current licensed period and one additional licensed period.

Section 5. This Ordinance shall take effect as provided by City Charter.

In City Council April 11, 2024

Referred to the Committee on Community and Economic Development co-posted with Committee of the Whole

ATTEST:

ILENE SIMONS
CITY CLERK



CITY OF SALEM, MASSACHUSETTS

Dominick Pangallo
Mayor

Office of the Mayor

April 11, 2024

Salem City Council
93 Washington Street
Salem, MA 01970

Dear Councillors,

Enclosed please find an Ordinance amending the section of our code relative to public guides.

The proposed Ordinance removes language regarding an examination for licensure and adds a tiered licensed structure based on the maximum number of participants allowed on the guide's tour. In conjunction with that modification, the Ordinance establishes annual license fees based on the tier of the license, with a discount provided if the guide does not use amplification. It additionally adds language specifying that the guide badge will display the information about the approved tier of the license. In the section of prohibitions, language is proposed to prohibit public guides from stopping within 25 feet of another stopped tour and codifying the long-standing cap of 40 participants per group, which had previously been set per Section 40-30(7) by the Chief of Police. License applicants are also required to attend a safety and compliance training course to receive their license.

Finally, it increases the fines for violations, adds that for third or subsequent violations the license is subject to revocation by the City Council and the guide is ineligible for a license in the next calendar year, and edits language regarding authorized enforcement personnel to make it consistent between two different sections of the Code. In conjunction with this Ordinance change, we plan to operationally increase enforcement of public guide activities starting this year. The number of licensed guides has increased from 28 when the Ordinance was first adopted in 2006 to 175 this year, prompting a need to increase enforcement to keep pace.

I recommend adoption of the enclosed Ordinance and invite you to contact the City Solicitor Beth Rennard should you have any questions regarding it.

Sincerely,

Dominick Pangallo
Mayor
City of Salem

ARTICLE II. PUBLIC GUIDES¹

DIVISION 1. GENERALLY

Sec. 40-26. Required.

No person shall, upon any highway within the corporate limits, for hire or reward, act as a public guide whether on foot, vehicle for hire or electronic personal assistance mobility device, in pointing out to any person any historical object or impart information relative thereto or direct anyone how to arrive at such object without being licensed by the city council as a public guide. Every business owner requires a license issued by the city council while each employee of said business is required to obtain a public guide license held under the certified business name. A public guide who also acts as a business owner must be licensed as both a public guide and a certified business owner. A public guide who is an employee of a business owner must possess a badge that identifies the public guide as an employee of the licensed public guide and business owner, the contents of said badge conforming to the specifications outlined in section 40-28.

Sec. 40-27. Application requirements; exemption.

- (a) Each applicant who applies for a public guide license after the effective date of this article shall be at least 18 years of age, ~~and~~ submit to and clear a criminal background investigation by the Salem police department, ~~and pass a professional background examination testing the knowledge of the applicant concerning the city's history and places or points of historic or public interest and requirements of this ordinance. A passing score for the examination shall be 75 percent.~~
- (b) ~~Applicants shall pay an examination fee as provided in section 14-38. An applicant who fails the examination may retake the examination once without paying an additional examination fee.~~
- (eb) Any person while acting as teacher employed by a public or private school may function as a public guide for students enrolled in such school without first applying for a public guide license.
- (c) ~~For licenses effective January 1, 2025 and thereafter, applicants may apply for one of three license types, tours of up to 10 participants, 29 participants or a maximum of 40 participants, not including the guide, for a fee set forth in Sec.14-38 of this Code.~~
- (d) ~~Public guides not utilizing any form of amplification after January 1, 2025 shall be eligible for a fee discount as provided in section 14-28 of this Code.~~
- (d) ~~Each person who applies for a renewal of a public guide license that is current on or before the effective date of this article shall be required to pass a professional examination, administered under the supervision of the city clerk or the city clerk's designee, prior to such renewal. Current applicants may, at their option, take the professional examination for the current licensed year.~~

Sec. 40-28. Contents; badge of licensee.

The city clerk shall issue a badge to every license holder which sets forth the name of the person licensed. The person so licensed shall, at all times while engaged in the business of guide, wear conspicuously in sight a

suitable badge with the words "licensed public guide" and the number of the license thereon. Each employee of a licensed public guide and business owner shall also display a suitable badge that indicates the name and valid license number of said business owner and public guide. Neglect to comply with this section shall be sufficient cause for revocation of such license.

[Effective January 1, 2025, each public guide shall also display a badge, placard or decal issued by the city indicating the tour size.](#)

Sec. 40-29. Fees; term.

The fee for each license and criminal background information shall be provided in section 14-38. All licenses shall expire on December 31 of each year.

Sec. 40-30. Prohibitions.

No licensed public guide shall

- (1) Conduct a tour that does not conclude prior to 10:00 p.m. daily; except prior to 11:00 p.m. on weekends (Friday and Saturday) and on October 31;
- (2) Conduct a tour in a public cemetery after dusk;
- (3) Conduct a tour that blocks the entrance of a business, obstructs pedestrian access on a sidewalk, or leads a tour across or into a street open to vehicular traffic on a route other than a designated crosswalk;
- (4) Conduct a tour on private property without permission of the owner;
- (5) Place a sales booth on public property unless such public guide or business owner owns or leases a storefront and the licensing board has authorized such a sales booth; ☞
- (6) Violate chapter 22 of the city ordinance relative to noise.
- (7) Conduct a tour exceeding the tour participant limit and/or security/staff oversight requirements as such may be established for public safety purposes by the chief of police;
- (8) Utilize a voice amplification device on Brown Street, Howard Street, Brown Street Court, Kimball Court, Higginson Square or in the alley between 93 and 99 Washington Street.
- (9) Utilize candles or any other item with a flame on a tour; ☞
- (10) Conduct a tour on the grounds of 33 Proctor Street;
- ~~(11) Stop a tour to point out or impart information if within twenty-five feet of another stopped tour; or~~
- ~~(12) Conduct a tour with more than forty participants; or~~
- ~~(13) Conduct a tour without having obtained a one-time safety and compliance briefing offered by the Salem Police Department.~~

Sec. 40-31. Revocation; penalty.

Every person licensed as a public guide shall conduct themselves in an orderly manner at all times when engaged in the business of guide. Any violation of this section shall be sufficient cause for revocation of such license 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. This article may be enforced by any police officer, enforcement officer or agent of the board of health, inspectional services, fire services and licensing department personnel. [Any public guide receiving three notices of violation during a licensed period shall be immediately referred to the City Council for a revocation of license hearing. Unless otherwise voted by the City Council, license revocations shall be effective for the current licensed period and one additional license period.](#)

Any person aggrieved by the revocation of a license or imposition of a penalty may file an appeal as provided by the general law.

Secs. 40-32—40-85. Reserved.

CHAPTER 1-10 NON-CRIMINAL DISPOSITION OF ORDINANCE VIOLATIONS

Chapter 40, Tourism and Public Market

Section 40-26, Public guide licenses.

Penalty:

First offense~~\$25.00~~ 100.00

Second offense~~50.00~~ 200.00

Third and subsequent~~100.00~~ 300.00

Enforcing persons: Police, licensing inspector, and fire, health and building officials.

CHAPTER 14-38 FEES

Public Guide ~~examination~~ fees, annual

2024:

\$10 new applicant; \$20 late renewal

2025 and thereafter:

Permitted group size 10 of less: \$150

Permitted group size 11-29: \$250

Permitted group size 30-40: \$350

Non-amplification discount: \$50

~~One-time examination passing~~~~30.00~~

~~First re-examination~~~~0.00~~

~~Second and subsequent re-examinations~~~~30.00~~

Public Guide criminal investigation fee:

One time fee25.00

City of Salem

In the year Two Thousand and Twenty-four

An Ordinance to amend an ordinance relative public guides

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- (d) Public guides not utilizing any form of amplification after January , 2025 shall be eligible for a fee discount as provided in section 14-38 of this Code.”

Section 2. Chapter 40, Section 40-28. *Contents; badge of licensee* is hereby amended by adding the following new paragraph at the end of this section:

“Effective January 1, 2025, each public guide shall also display a badge, placard or decal issued by the city indicating the permitted tour size.”

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“(11) Stop a tour to point out or impart information if within twenty-five feet of another stopped tour;

(12) Conduct a tour with more than forty participants; or

(13) Conduct a tour without having obtained a one-time safety and compliance briefing offered by the Salem Police Department.”

Section 4. Amend section 40-31 Revocation; penalty by adding a new sentence at the end of this section:

“Any public guide receiving three notices of violation during a licensed period shall be immediately referred to the City Council for a revocation of license hearing. Unless otherwise voted by the City Council, license revocations shall be effective for the current licensed period and one additional licensed period.

Section 5. This Ordinance shall take effect as provided by City Charter.

CITY OF SALEM

An Ordinance to amend an ordinance relative to the fee schedule.

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

Section 1. Chapter 14, Section 14-38 Fee Schedule is hereby amended by deleting the following:

“Guide public 10.00” and

“Public guide examination fee:

One time examination passing30.00

First re-examination0.00

Second and subsequent re-examinations30.00”

And inserting the following new fees:

“Public guide fee, annual

2024

\$10.00 new applicant; \$20 late renewal

2025 and thereafter

Permitted group size 10 of less: 150

Permitted group size 11-29: 250

Permitted group size 30-40: 350

Wireless communication system discount: 50”

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

In City Council April 11, 2024

Referred to the Committee on Community and Economic Development co-posted with
Committee of the Whole

ATTEST:

ILENE SIMONS
CITY CLERK



CITY OF SALEM, MASSACHUSETTS

Dominick Pangallo

Mayor

Office of the Mayor

April 11, 2024

Salem City Council
93 Washington Street
Salem, MA 01970

Dear Councillors,

Enclosed please find an Ordinance amending the section of our code relative to public guides.

The proposed Ordinance removes language regarding an examination for licensure and adds a tiered licensed structure based on the maximum number of participants allowed on the guide's tour. In conjunction with that modification, the Ordinance establishes annual license fees based on the tier of the license, with a discount provided if the guide does not use amplification. It additionally adds language specifying that the guide badge will display the information about the approved tier of the license. In the section of prohibitions, language is proposed to prohibit public guides from stopping within 25 feet of another stopped tour and codifying the long-standing cap of 40 participants per group, which had previously been set per Section 40-30(7) by the Chief of Police. License applicants are also required to attend a safety and compliance training course to receive their license.

Finally, it increases the fines for violations, adds that for third or subsequent violations the license is subject to revocation by the City Council and the guide is ineligible for a license in the next calendar year, and edits language regarding authorized enforcement personnel to make it consistent between two different sections of the Code. In conjunction with this Ordinance change, we plan to operationally increase enforcement of public guide activities starting this year. The number of licensed guides has increased from 28 when the Ordinance was first adopted in 2006 to 175 this year, prompting a need to increase enforcement to keep pace.

I recommend adoption of the enclosed Ordinance and invite you to contact the City Solicitor Beth Rennard should you have any questions regarding it.

Sincerely,

Dominick Pangallo
Mayor
City of Salem

Any person aggrieved by the revocation of a license or imposition of a penalty may file an appeal as provided by the general law.

Secs. 40-32—40-85. Reserved.

CHAPTER 1-10 NON-CRIMINAL DISPOSITION OF ORDINANCE VIOLATIONS

Chapter 40, Tourism and Public Market

Section 40-26, Public guide licenses.

Penalty:

First offense~~\$25.00~~ 100.00

Second offense~~50.00~~ 200.00

Third and subsequent~~100.00~~ 300.00

Enforcing persons: Police, licensing inspector, and fire, health and building officials.

CHAPTER 14-38 FEES

Public Guide ~~examination~~ fees, annual

2024:

\$10 new applicant; \$20 late renewal

2025 and thereafter:

Permitted group size 10 or less: \$150

Permitted group size 11-29: \$250

Permitted group size 30-40: \$350

Non-amplification discount: \$50

~~One time examination passing~~~~30.00~~

~~First re-examination~~~~0.00~~

~~Second and subsequent re-examinations~~~~30.00~~

Public Guide criminal investigation fee:

One time fee25.00

CITY OF SALEM

An Ordinance to amend an ordinance relative to non-criminal disposition of ordinance violations

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

Section 1. Chapter 1-10 Non-criminal Disposition of Ordinance Violations is hereby amended by deleting penalties for violations of section 40-26, Public guide licenses in its entirety and replacing it with the following:

“ [Section 40-26](#), Public guide licenses.

Penalty:

First offense\$100.00

Second offense \$200.00

Third and subsequent \$300.00

Subsequent offense may result in license suspension or revocation per Sec. 40-31

Enforcing persons: Police, licensing inspector, and fire, health and building inspectors.”

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

In City Council April 11, 2024

Referred to the Committee on Community and Economic Development co-posted with Committee of the Whole

ATTEST:

ILENE SIMONS
CITY CLERK



CITY OF SALEM, MASSACHUSETTS

Dominick Pangallo
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April 11, 2024

Salem City Council
93 Washington Street
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Finally, it increases the fines for violations, adds that for third or subsequent violations the license is subject to revocation by the City Council and the guide is ineligible for a license in the next calendar year, and edits language regarding authorized enforcement personnel to make it consistent between two different sections of the Code. In conjunction with this Ordinance change, we plan to operationally increase enforcement of public guide activities starting this year. The number of licensed guides has increased from 28 when the Ordinance was first adopted in 2006 to 175 this year, prompting a need to increase enforcement to keep pace.

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Sincerely,

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Mayor
City of Salem

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Secs. 40-32—40-85. Reserved.

CHAPTER 1-10 NON-CRIMINAL DISPOSITION OF ORDINANCE VIOLATIONS

Chapter 40, Tourism and Public Market

Section 40-26, Public guide licenses.

Penalty:

First offense~~\$25.00~~ 100.00

Second offense~~50.00~~ 200.00

Third and subsequent~~100.00~~ 300.00

Enforcing persons: Police, licensing inspector, and fire, health and building officials-

CHAPTER 14-38 FEES

Public Guide ~~examination~~ fees, annual

2024:

\$10 new applicant; \$20 late renewal

2025 and thereafter:

Permitted group size 10 of less: \$150

Permitted group size 11-29: \$250

Permitted group size 30-40: \$350

Non-amplification discount: \$50

~~One time examination passing~~~~30.00~~

~~First re-examination~~~~0.00~~

~~Second and subsequent re-examinations~~~~30.00~~

Public Guide criminal investigation fee:

One time fee25.00