

# City of Salem

*FIRST PASSAGE*

*In the year two thousand and twelve*

**An Ordinance** to amend an Ordinance pertaining to noise control

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

## **Section 1.**

Chapter 22 Noise Control is hereby amended by adding the following new section:

"Sec. 22-36. Disorderly House Designation; Penalties for Violation.

(a) No property owner or tenant shall maintain a disorderly house as defined in sub-section (b) below.

(b) A "disorderly house" is any building, or part thereof, which the police department has identified as a disorderly house after having responded to multiple calls for service to the property in response to situations which are created by the owner, tenants, or owner's or tenants' co-habitants, guests or invitees and which would have a tendency to unreasonably disturb the community and affect the quality of life of the neighborhood or an ordinary individual in the vicinity of said building, including, but not limited to: loud music; boisterous parties; sounds emanating from within the structure which are audible outside the building; loud noise or fights within the building or in its vicinity involving tenants of the building or their invitees (excluding incidents involving domestic violence); tenants or invitees of tenants being intoxicated on public ways in the vicinity of the building; other similar activities in the building or outside the building itself.

(c) Prior to classifying a building, or part thereof, as a disorderly house, the police department shall notify by personal service or mail the property owner and the involved tenant(s), if any, of the ongoing issues at the property and that the property has been recommended for a classification as a "disorderly house." The property owner and the involved tenants, if any, shall be given the opportunity to address the issues that gave rise to the complaints affecting the quality of life of the neighborhood. If the matter remains unresolved and additional calls for police service are directed to the subject building, the building, or part thereof, shall be classified as a "disorderly house" and the property owner and any tenants involved shall be notified by the police department of the designation by personal service or mail and may be subject to a penalty, as set forth below, for violating this section:

First offense after notice	- \$200.00
Second offense	- \$250.00
Third offense	- \$300.00

(d) Nothing in this section shall prevent the police department from, at any time after designating a property as a disorderly house, filing an application for criminal complaint against a party for keeping a noisy or disorderly house pursuant to Massachusetts General Law C.272, S.53(b), however, the police department shall pursue such an application for criminal complaint following a third offence of this section."

Section II. This ordinance shall take effect as provided by city charter.

In City Council May 10, 2012  
Adopted for first passage

Attest: *ADVERTISED 5-16-12*

CHERYL A. LAPOINTE