

# City of Salem

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*In the year two thousand and twelve*

**An Ordinance** to amend an Ordinance pertaining to public guides

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

## **Section 1.**

Division I of Chapter 40, Article II is hereby amended by:

1) adding the phrase “whether on foot, vehicle for hire or electronic personal assistance mobility device,” after the word “guide” as it first appears in the first sentence of Section 40-26. And, further amending Section 40-26 by deleting the numbers “40-57” as they appear at the end of this section and replacing them with “40-28”.

2) deleting section 40-27 in its entirety and replacing it with the following:

“Sec. 40-27. – Application Requirements, Professional Examination; Exemption.

- a) Each applicant who applies for a public guide license after the effective date of this ordinance shall be at least eighteen years of age; 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. A passing score for the examination shall be seventy-five (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.
- c) 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.
- d) Each person who applies for a renewal of a public guide license that is current on or before the effective date of this ordinance shall be required to pass a professional examination, administered under the supervision of the city clerk or his/her designee, prior to such renewal. Current applicants may, at their option, take the professional examination for the current licensed year.”

3) deleting the first sentence of section 40-28 Contents; Badge of Licensee in its entirety and replacing it with the following;

“The City Clerk shall issue a badge to every license holder which sets forth the name of the person licensed.”

4) deleting section 40-29 in its entirety and replacing it with the following new sections:

“Sec. 40-29. – Fees; term.

The fee for each license, professional examination 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

- a) conduct a tour that does not conclude prior to 10 p.m. daily; except prior to 11 p.m. on weekends (Friday and Saturday) and on October 31;
- b) conduct a tour in a public cemetery after dusk;
- c) conduct a tour that blocks the entrance of a business;
- d) conduct a tour on private property without permission of the owner;
- e) 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; or
- f) violate chapter 22 of the city ordinance relative to noise.

Sec. 40-31 Revocation; Penalty.

Every person licensed as a public guide shall conduct him or herself 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 Sec. 1-10 of this Ordinance. The police department and the special investigator assigned to the Licensing Board shall assist the city council in enforcing this division.

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

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

In City Council June 28, 2012  
Adopted as amended for first passage

ATTEST:

CHERYL A. LAPOINTE  
CITY CLERK