

**ORDERED:**

**AN ORDINANCE TO LICENSE SHORT-TERM RENTAL UNITS**

Be it ordained by the City Council of the City of Newburyport as follows:

**THAT** the Code of Ordinances, City of Newburyport, Massachusetts, is hereby amended as follows:

**Chapter 9: LICENSES, PERMITS AND BUSINESS REGULATIONS**

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**ARTICLE XI: SHORT-TERM RENTAL UNITS**

Insert a new Section, Article XI, entitled “SHORT-TERM RENTAL UNITS” as follows:

**Sec. 9-300 Purposes.**

The purposes of Article XI include:

- a. To clearly define the term Short Term Rental Units (“STRU”), provide a clear and consistent process through which certain dwelling units may be registered within the City of Newburyport for use as STRUS;
- b. To incorporate responsibly the growth of the so-called home-share industry into Newburyport’s existing neighborhoods by striking a fair balance between the preservation of permanent housing, including affordable and moderately priced housing (with or without deed restrictions), and the flexibility required for residents to benefit from this new industry; and
- c. To ensure that potential negative impacts from the use of residential properties from STRUs, including, but not limited to, impacts upon public health and fire safety, and increased trash, noise, traffic, and parking, are mitigated to avoid adverse impacts on overall neighborhood character or property values.

**Sec. 9-301 Definitions.**

Unless specified otherwise herein, all terms used in Article XI shall be as defined in 830 CMR 64G.00 (Room Occupancy Excise).

**Booking Agent:** Any natural person who or entity that facilitates reservations or collects payments for a STRU on behalf of or for an Operator.

**Emergency Contact:** A natural person who, in addition to the Operator, will be responsible to receive and act on complaint, problems or emergencies at an STRU, as described in 9-306(h) supra.

**Home-Share Rental Unit:** An STRU that is a Residential Unit and the Operator's Primary Residence and is rented as a STRU while the Operator is not personally and physically present overnight. The allowable occupancy of a Home-Share Rental Unit for use as an STRU shall be limited to a maximum of four (4) bedrooms and a maximum of eight (8) people.

**Licensing Commission:** The Licensing Commission of Newburyport

**Limited-Share Rental Unit:** An STRU that is a Residential Unit and the Operator's Primary Residence, of which only a portion is offered to guests as a STRU while the Operator is personally and physically present overnight. Occupancy of a Limited-Share Rental Unit shall be limited to a maximum of three (3) bedrooms for guests and a maximum of six (6) guests, and at least one (1) additional bedroom shall be exclusively used and occupied by the Operator during the pendency of the use by STRU guests.

**Operator:** A natural person who is an owner of record of the Residential Unit, or is legally authorized to act in relation to the STRU as the owner of record. Such owner may be, without limitation, an individual owner, alone or together with others, a trustee of a trust, a manager of an LLC, or an officer of a corporation. An owner legally authorized to act for the record owner shall be duly designated by the licensing authority as the responsible party for a STRU. Only one natural person may be an Operator.

**Operator Agent:** Any natural person who or entity that manages an STRU on behalf of an Operator, including a property manager, property management company, or real estate agency. Using an agent does not relieve the Operator of any of his or her duties to comply with every provision of Article XI.

**Owner-Adjacent Rental Unit:** A Residential Unit that is not the Operator's Primary Residence and is offered as a STRU, but that is located on the same lot as the Primary Residence of, and is owned by, said Operator. The use of an Owner-Adjacent Rental Unit as a STRU shall be allowed in two-family or three-family dwellings solely where all dwelling units making up such use are owned by the same, owner-occupant who also serves as the Operator of the Owner-Adjacent Rental Unit. For owner-occupied multifamily residential dwellings with three (3) or more dwelling units, in addition to the Residential Unit in which the Operator resides and uses as a Home Share and/or Limited-Share Rental Unit, the Operator shall offer only one Owner Adjacent Rental Unit as a STRU.

**Primary Residence:** The Residential Unit in which the Operator resides for no fewer than 183 days of every year and at which such residence the Operator holds a valid Massachusetts Driver's License or state-issued identification card, registers automobiles and is registered to vote. The Operator shall demonstrate Primary Residence by submitting to the Licensing Board his or her certification signed under penalty of perjury that as of the date of registration of the Residential Unit on the Short-Term Registry, the Operator either (a) has resided in the Residential Unit for no fewer than 183 days of the previous year, or (b) intends to reside in the Residential Unit for no fewer than 183 days of the year-long period of registration. Such certification shall be accompanied by at least two (2) of the following documents: evidence of valid voter registration, evidence of valid motor vehicle registration, a valid driver's license, or a valid state-issued identification card

**Registration Number:** A unique identification number generated by the Licensing Board for each registered STRU. Registration numbers shall be valid for one (1) year from the date of issuance, and shall be assigned to both a single STRU and a single Operator. The registration number shall be included on any listing or advertisement for the rental of the STRU.

**Residential Unit:** A Residential Unit is a lawful dwelling unit that makes up all or part of the three (3) following principal residential uses as defined under the Newburyport Zoning Ordinance: One-family (Use 101), Two-family (Use 102) or Multifamily (Use 103). For purposes of this section, the term “Residential Unit” shall not include any other use contained in the Newburyport Zoning Ordinance

**Short Term Rental Unit (“STRU”):** A Residential Unit used for residential occupancy by a person or persons who does not reside in the Unit as their primary residence for a period of fewer than thirty-two (32) consecutive days in exchange for payment or other consideration. A STRU may or may not be offered or leased through a Booking Agent.

**Short-Term Rental Registry:** The database of STRUs located within Newburyport and maintained by the Licensing Board in coordination with registration or other regulation of such use by the Commonwealth of Massachusetts. The location of STRUs within the city shall be made public, as may additional information in the Short-Term Rental Registry at the reasonable discretion of the Licensing Board.

#### **Sec. 9-302 Short Term Rental Units generally.**

No Residential Unit within the City of Newburyport shall be offered as a STRU except in compliance with the provisions of the zoning ordinance, and with Article XI and the terms of any license issued for said STRU by the Licensing Board pursuant thereto. A resident who rents their primary residence for a cumulative 2 weeks or less per year is exempted from the application and licensure process described herein, but must still comply with any state law or regulation relative to Short Term Rentals and obtain a modified certification letter according to 9-306G.

#### **Sec. 9-303 Ineligible residential units and applicants.**

The following types of Residential Units and applicants shall not be eligible to be applied for, apply, be offered, or offer, as Short-Term Rentals or Operators:

- a. A dwelling unit that makes up all or part a residential use as defined under the Newburyport Zoning Ordinance other than: One-family (Use 101), Two-family (Use 102) or Multifamily (Use 103);
- b. Residential Units designated as below-market or income-restricted that are subject to affordability covenants, or that are otherwise subject to housing or rental assistance under local, state or federal law, including, without limitation, so-called Section 8 housing;
- c. Residential Units subject to any requirement of local, state or federal law that prohibits the leasing or sub-leasing of the unit or use of the unit as a STRU;
- d. Residential Units, owners, Operators or applicants who or that are the subject of three (3) or more findings by the Licensing Board or its designee of violations of Article XI within any six- (6-) month period, or three (3) or more violations within any six- (6-) month period of any state or municipal law or regulation relating to excessive noise, improper disposal of trash, disorderly conduct, or other nuisances, private or public;
- e. “In-law apartments” as that term is defined in the Newburyport Zoning Ordinance, or successor or similar uses, such as so-called accessory dwelling units or secondary dwelling units;

- f. Campers, trailers, recreational vehicles, mobile homes, tents, lean-to's or any other similar space, or temporary structure.

#### **Sec. 9-304 Exemptions from Article XI**

The following uses of a dwelling unit shall be exempt from the requirements of Article XI:

- a. **Residential units contracted for hospital or convalescent stays.** The use of a dwelling unit or portion thereof (1) under a written contract between the owner of such dwelling unit and a health-care facility, government entity, non-profit organization registered as a charitable organization with the Secretary of the Commonwealth of Massachusetts or classified by the United States Internal Revenue Services as a public charity or private foundation, or (2) for the temporary housing in such unit of natural persons who are being treated for trauma, injury, or disease, or of their family members; and
- b. **Residential units used for furnished institutional or business stays:** The use of a dwelling unit or portion thereof under a written contract between the owner of such dwelling unit and an institution or business, for the temporary housing of employees or other individuals affiliated with such institutions or business, provided, however, that the minimum duration of such stay shall be ten (10) days.

#### **Sec. 9-305: Exceptions to Article XI**

- a. **Plum Island.** Residential Units located within the Plum Island Overlay District (PIOD) as regulated under the Newburyport Zoning Ordinance may be offered as STRUs for any number of days (consecutive or non-consecutive), and the Operator of such STRUs need not meet any Primary Residence requirement under this Article, nor any limitation on the number of Residential Units located within the PIOD so offered.

#### **9-306 Additional requirements**

- a. **All STRUs.** The STRU has been registered pursuant to Section 9-307.
- b. **Limited-Share Rental Units.** An Operator may offer a Limited-Share Rental Unit as a STRU for some or all days of its year of registration.
- c. **Home-Share Rental Units.** An Operator may offer a Home-Share Rental Unit as a STRU for some or all days of its year of registration; provided, however, at all locations within the city except within the PIOD, the total number of days during which the Operator is not physically present for an overnight stay shall not exceed a cumulative ninety (90) (consecutive or nonconsecutive) days per each licensing year.
- d. **Owner-Adjacent Units.** An Operator may offer his/her Owner-Adjacent Unit as a Short-Term Rental for some or all days of its year of registration.

- e. Lodging House.** A permitted Lodging house cannot be a STRU.
- f. Need for Sprinklers.** Pursuant to section 26H of chapter 148 of the General Laws, or its successor provisions, accepted by the city on September 10, 1990, no more than five (5) persons not within second degree of kindred to the Operator may occupy a STRU unless such STRU is protected throughout with an adequate system of automatic sprinklers in accordance with the provisions of the State Building Code
- g. Owner certification.** An Operator shall certify under penalty of perjury at the time of registration of a Short-Term Residential Unit that the following facts are true:
1. In the case of the Home Share Rental Unit and Limited Share Rental Unit, the Residential Unit is the Operator's Primary Residence, and in the case of the Owner Adjacent Rental Unit, the STRU is located on the same property lot as the Operator's Primary Residence;
  2. The Operator is the record owner of the Residential Unit offered as a STRU; and
  3. Offering the Residential Unit as a STRU complies with all applicable deed restrictions, mortgage covenants, condominium bylaws, or other governing legal documents.
- h. Local contact.** At the time of registration of a STRU, the Operator shall provide his or her name and contact information (including a telephone number), and, in the event the Operator is unable to respond in person to any problems or emergencies that may arise regarding the STRU when it is being occupied by guests, the name and contact information (including a telephone number) of another natural person who will respond in person to such problems or emergencies ("Emergency Contact"). The Operator, and Emergency Contact, shall be available 24-hours per day to respond to guests, neighbors, and city officials, and it shall be a violation of this Article if the Operator or Emergency Contact does not respond within 1 hour of being contacted by a city official or the police department.
- i. No outstanding violations.** A STRU shall not be subject to any outstanding building, sanitary, zoning, or fire code notices of violation, orders of abatement, stop work orders, or other any requirements, laws or regulations that otherwise prohibits the Operator from offering the Residential Unit as a Short-Term Rental. If a notice of violation or other order is duly issued after the Residential Unit has been listed on the Short-Term Rental Registry, then Licensing Board or its designee shall suspend registration of such Residential Unit on the Short-Term Rental Registry until the corresponding violation has been cured or such order is otherwise resolved to abate any violations of law or regulation. Any city officer or department issuing said notice of violation or other order shall notify the Licensing Board in writing of the nature of the violation and its resolution, if any, within five (5) business days of such issuance and/or resolution.
- j. Compliance and relationship with other laws.** Operators shall comply with all applicable federal, state and local laws and regulations, including, but not limited to, the Fair Housing Act, G.L .c. 151B and local equivalents and regulations related thereto, fire codes, health codes, zoning ordinances, the

Commonwealth's lodging house licensing statutes, and all other regulations applicable to residential dwellings and the provision of lodging.

- k. No illegal discrimination between or against guests.** Consistent with the codified policy of the city, Operators shall not discriminate between or against guests on the basis of race, color, religious creed, national origin, immigration status, sex, age, ancestry, sexual orientation, gender identity and expression, marital, family or military status, or source of income or disability with respect to housing, employment, education, public accommodations, city services, insurance, banking, credit and healthcare.
- l. Retention of records.** The Operator shall retain and make available to the Licensing Board, or its designee, upon written request, documents that demonstrate compliance with all provisions of Article XI, including but not limited to: documentation of the number of days that Operator has resided during the past year or will reside in the Residential Unit in the year of registration; legal instruments evidencing that the Operator is the record owner of the Residential Unit offered as a STRU; and documentation of the number of days during the year of registration that the Residential Unit was offered and also rented as a STRU. The Operator shall retain such records for a period of three (3) years from expiration of the yearly license to which they relate.
- m. Special conditions.** The Licensing Board may require, as a condition of any license issued under Article XI, that specific, physical improvements be made within the structure, or otherwise on the premises, as identified in the drawings submitted pursuant to section 9-306, below, or as further required by the Building Commissioner, Fire Prevention Officer, and/or Zoning Administrator in advising the Licensing Board on a particular application.
- n. Registration number.** The Operator shall include the registration number issued by the city on any listings offering the Residential Unit as a STRU, including by Booking Agents when their policies so permit, and shall, in all cases, post a sign inside such Residential Unit providing information on the location of all fire extinguishers, fire exits, and pull fire alarms in such Residential Unit.

#### **Sec. 9-307      Registration process, certifications, and fee.**

- a. Registration process.** No Operator shall offer a Residential Unit as a STRU without having first filed an application for approval therefor with the Licensing Board and obtaining the Licensing Board's final approval under this Section 9-306.

  - 1. A license for operation of said STRU shall be valid for one (1) year from the date of issuance.
  - 2. The Operator shall also certify under penalty of perjury that he/she and the Residential Unit complies with all the requirements of Article XI.
  - 3. An Operator registered with the Licensing Board may only hold and operate one (1) STRU licensing during any licensing year

4. Upon approval by the Licensing Board, the and the Residential Unit approved as a STRU shall be issued a registration number by the Licensing Board.
5. Upon submission of license applications, and from time to time, as deemed necessary by the Licensing Board or its designee, the Licensing Board shall compare registration information to other information managed and maintained by the city, in order to effectively verify compliance with the provisions of Article XI.
6. The Licensing Board shall make each approval of an STRU, and related documentation including the application, decision and any supplemental documents, available electronically via the city website within thirty (30) days of such addition.

**b. Application.** Each application for approval of an STRU shall include the following information, none of which may be waived by the Licensing Board:

1. Name, address, primary phone number and secondary phone number of the Operator and the Emergency Contact;
2. Evidence, as required under Article XI, that the Operator is the record owner of the proposed STRU, and in the case of a Home Share Rental Unit and Limited Share Rental Unit, the Operator's Primary Residence, and in the case of an Owner Adjacent Rental Unit, the proposed STRU is located on the same property lot as the Operator's Primary Residence.
3. Address of the proposed STRU;
4. The zoning district(s) of the proposed STRU and proof that the use of the Residential Unit as a STRU is allowable therein;
5. Rental unit category (Limited-Share Rental Unit, Home-Share Rental Unit, or Owner-Adjacent Unit);
6. Massachusetts Department of Revenue identification number (cite CMR);
7. Survey and/or plot plan that indicates:
  - i. Existing structure(s) at the property;
  - ii. Location of any proposed STRU; and
  - iii. A plan to provide Off-street (on or off-site) parking area(s) to accommodate all uses of the property, including the proposed STRU;
8. Interior layout plan(s), highlighting:
  - i. The bedroom(s) proposed for use by STRU guests, the Operator, and any other person occupying the proposed STRU; and
  - ii. Proper fire detection for the STRU, including, but not limited to, access/egress points, location of bathrooms for use by guests, location of all smoke and carbon monoxide detectors, location of all fire extinguishers, evacuation route(s), designated location(s) within the unit for the posting of the evacuation route(s), and any other information deemed necessary by the Building Commissioner and/or Fire Prevention Officer to establish compliance with applicable building, sanitary, and/or fire safety codes.
9. Evidence of a valid liability insurance policy in the amounts \_\_\_\_.

**c. Application Fees.** A fee of two-hundred dollars (\$200) per STRU shall be due with each application to register Rental Units as STRUs.

- d. Public hearing upon application.** Upon a **determination by the City Clerk** that an application to register a Residential Unit as a STRU is complete, including all required materials and payment of the required fee:
1. The Licensing Board shall hold a public hearing and notify the applicant in writing of the place, date, and time of the same, which hearing shall occur at the next available regular meeting of the Licensing Board, subject to the notice requirements contained in Section 9-306(d)(2), and in no case later than sixty (60) days after the date upon which the Licensing Board determines that the application is complete.
  2. Prior to the public hearing, and predicate to the holding of the same, the Applicant shall cause notice of the application, including the place, date, time and subject matter of the public hearing, and the address of the proposed STRU, to be made as follows: (1) publication in a local newspaper designated by the Licensing Board, which such publication shall occur on a date fourteen (14) days and seven (7) days prior to the hearing; and (2) by certified mail, return receipt requested, to the legal occupants of real property located within a 300-foot radius of the proposed STRU ("Immediate Abutters").
  3. Within fourteen (14) days after the conclusion by the Licensing Board of its public hearing on an application, the Licensing Board shall by majority vote approve, approve with conditions, or deny such application by means of a written decision, which shall give the Licensing Board's reasons therefor, and shall be both (1) posted on the city website, and (2) sent by U.S. Mail to both the applicant and the legal occupants of all property located within a 300-foot radius of the Residential Unit that is subject of the application. **( suggested example: "The Licensing Board shall approve the application only if the Board finds by a preponderance of the evidence that the Operator is a person of good-standing and character in the City, the use of the Residential Unit as an STRU is not more detrimental to the neighborhood, and reasons as to why objections of Immediate Abutters, if any, were without merit or addressed by the decision.)**
- e. Judicial appeal.** Any person aggrieved by a final decision of the Licensing Board with respect to a timely appeal under this section 9-306 may seek relief therefrom in the Superior Court, as provided by the **(CITE MGL nbr. For Ex: MGL Chapter 30A, for instance, provides for appeals of state administrative decisions to the Superior Court)** laws of the Commonwealth.
- f. Annual Registration.** Each STRU shall apply for approval annually prior to the expiration of its annual registration, in the same manner as the original application. .
- g. Registration upon Sale or Change of Ownership.** Registration of a STRU shall not automatically transfer upon any sale or other transfer in ownership of such Residential Unit to a new Operator. If a new Operator wishes to continue to list such Residential Unit as a STRU, such new Operator shall apply to the Licensing Board pursuant to Article XI to obtain a new, unique registration number. This requirement applies regardless of whether such sale or other transfer in ownership occurs before expiration of such Residential Unit's year of registration as a STRU.
- h. Amending registration upon change in Primary Residence.** Unless an exception applies under Section 9-305, if an Operator offering a Residential Unit as a STRU ceases to be a Primary Resident of such unit,



then such Operator shall immediately notify the Licensing Board, which shall cancel the license of the Residential Unit and remove the same from the Short-Term Rental Registry.

- i. **Registration by Booking Agent.** Nothing herein shall prohibit a Booking Agent from providing registration services on behalf of an Operator with such Operator's written consent.

#### **Sec. 9-308 Room occupancy excise.**

A Residential Unit subject to the provisions of Article XI that is also subject to the Room Occupancy Excise under chapter 64G of the General Laws, or to any other excise tax or surcharge applicable to STRUs, shall comply with the provisions of said statutes. If an Operator does not use a Booking Agent to collect payment for a STRU, the Operator shall be personally responsible for collecting and remitting the application room occupancy excise tax to the Commonwealth.

#### **Sec. 9-309 Complaint process; violations.**

- a. **Complaint.** A complaint alleging that a Residential Unit is in violation of Article XI, or an STRU is in violation of any other applicable law, code or regulation, may be filed by any person with the Licensing Board. The complaint shall be in writing and contain the applicable Residential Unit's address, the date and nature of the alleged violation(s), and the name and contact information of the complainant.
- b. **Review of complaint.** Within seven (7) days after receipt of a complaint under this section 9-308, the Licensing Board, through its designated agent [ APPLICABLE DEPT – BOH/POLICE/FIRE/ZONING ] shall investigate the circumstances of such complaint and determine whether there has been a violation. Upon a finding of a violation, the Licensing Board shall conduct a hearing on the violation after serving written notice of the violation upon the owner or Operator of the Residential Unit or STRU at least seven (7) days before the hearing. The Licensing Board shall keep records of all complaints received, a summary of the investigation into the same and the determination made and reasons therefore.
- c. **Right to a public hearing.** A person upon whom a notice of violation has been served under this section 9-308 shall be entitled to a public hearing on the violation by the Licensing Board..
  - 1. Upon a determination that a violation has occurred, the Licensing Board shall notify the owner or operator of the property which is the subject of the violation, the complainant and Immediate Abutters to the property in writing of the place, date, and time of the public hearing, which hearing shall occur no earlier than seven (7) days prior to the hearing date, and no later than twenty-one (21) days after the date upon which the Licensing Board received the determination of violation..
  - 2. The Licensing Board within fourteen (14) days of the public hearing on the violation shall by majority vote in a written decision determine whether a violation has occurred, , which such decision shall give the Licensing Board's reasons therefor, and shall be (1) posted on the city website, and (2) sent by U.S. Mail to both the applicant, the Complainant and the Immediate Abutters.

- d. **Automatic penalties.** If the Licensing Board determines a violation has occurred, , the Licensing Board shall issue a warning, suspend the use of the Residential Unit as an STRU for a period of time, condition the use of the Residential Unit as an STRU upon the completion of remedial action determined by the Board, or as otherwise conditioned upon the reasonable judgment of the Board (“Violation Order”) If remedial action is required by the Board, The subject Residential Unit shall not be offered as a STRU until all cited violations have been remedied. Each day’s failure by the Operator to comply with the Violation Order shall constitute a separate and continuing violation of Article XI.
- e. **Judicial appeal.** Any person aggrieved by a final decision of the Licensing Board with respect to a notice of violation under this section 9-308 may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of the Commonwealth.

#### **Sec. 9-310 Discretionary penalties**

- a. **Offering an ineligible unit as a STRU.** Any person who offers a Residential Unit located in the City of Newburyport as a STRU, or any Booking Agent who accepts a fee for so booking such real property, where such Residential Unit is not eligible under Section 9-303 for listing on the Short-Term Residential Registry, shall be fined three-hundred dollars (\$300) per day. Each day’s failure to so comply with Section 9-303 or any other order in connection with the violation described in this subsection (a) of section 3-309 shall constitute a separate violation. The Licensing Board may also seek an injunction from a court of competent jurisdiction prohibiting the offering of the Residential Unit as a STRU.
- b. **Failure to register.** Any person who fails to obtain the approval of the Licensing Board for a STRU under Article XI, or any person who offers or rents a registered STRU that has been suspended pursuant to any applicable federal, state, or municipal law, code, or regulation, shall be fined one-hundred dollars (\$100) per violation per day. Each day’s failure to comply with a Violation Order or any other order in connection with the violation described in this subsection (a) of section 9-309 shall constitute a separate violation.
- c. **Failure to comply with Violation Order.** Any person who fails to comply with any notice of violation or other order issued pursuant to this section by the Licensing Board or its designee shall be fined one hundred dollars (\$100) per violation per day. Each day’s failure to comply with a notice of violation or any other order shall constitute a separate violation.

#### **Sec. 9-311 Enforcement**

- a. **Enforcement by the City.** The provisions of this section may be enforced in accordance with the noncriminal disposition process of MGL Chapter 40, Section 21D, and if applicable, by seeking to restrain a violation by injunction in any court of competent jurisdiction.
- b. **Enforcement by Booking Agent.** The City of Newburyport may enter into agreements with Booking Agents for assistance in enforcing the provisions of Article XI, including, but not limited to, covenants whereby the Booking Agent shall agree: (1) to remove a listing from its platform if such listing exceeds the maximum number of days that a Residential Unit may be offered as a Short-Term Rental under the provisions of Article XI; (2) to remove a listing from its platform that is deemed ineligible for use as a Short-Term Rental under the provisions of Article XI; and (3) to prohibit an Operator from listing any Residential Unit without having first obtained a valid registration number from the Licensing Board.

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

**Sec. 9-312      Data sharing**

A Booking Agent shall provide to the Licensing Board, on a quarterly basis, an electronic report of the listings maintained, authorized, facilitated, or advertised by such Booking Agent within the City of Newburyport during the applicable reporting period.

**Sec. 9-313      Effective date.**

The provisions of Article XI shall take effect on June 1, 2022.

**Sec. 9-314      Severability.**

The provisions of Article XI are severable. In the event that any provision of Article XI is determined by a court of competent jurisdiction to be invalid for any reason, the remaining provisions of Article XI shall remain in full force and effect.

Councilor James J. McCauley  
Councilor Charles F. Tontar