

**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 this article XI include:

- a. To provide a clear and consistent process through which certain dwelling units may be registered within the City of Newburyport for use as Short Term Rental Units (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 STRUs, including, but not limited to, impacts upon public health and fire safety, and due to 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 this 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 Short-Term Rental Unit on behalf of or for an Operator.

**Home-Share Rental Unit:** A Residential Unit that is the Operator's Primary Residence and is offered to guests as a Short-Term Rental Unit. Occupancy of a Home-Share Rental Unit shall be limited to a maximum of four (4) bedrooms and a maximum of eight (8) people. An Operator may offer a validly licensed Home-Share Unit for periods of fewer than thirty-two (32) days; provided, however, that the total number of days that the unit is

made available for short term rental during any calendar year, whether actually so used or not, shall not exceed (120) (consecutive or nonconsecutive) days.

**Limited-Share Rental Unit:** A Residential Unit that is the Operator's Primary Residence, a portion of which is offered to guests as a Short-Term Rental Unit solely 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 reserved at all times for exclusive use by the Operator rather than by any Short-Term Rental Unit guests.

**Operator:** A natural person who is an owner of record of the Residential Unit that he or she seeks to offer as a Short-Term Rental Unit. Only one natural person may be registered as an Operator on the Short-Term Rental Registry for a Residential Unit, and it shall be unlawful for any other natural person, even if that person is a co-owner and otherwise meets the qualifications of a Primary Resident, to offer a Residential Unit as a Short-Term Rental Unit. For purposes of this article XI, an Operator may be (1) a real estate trust so long as the beneficiary is a natural person or (2) a limited liability company so long as the manager is a natural person, and in either case such natural person shall be considered the owner of record.

**Operator Agent:** Any natural person who or entity that manages a property for rent 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 this article XI.

**Owner-Adjacent Rental Unit:** A Residential Unit that is not the Operator's Primary Residence and is offered as a Short-Term Rental Unit, 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 Short-Term Rental Unit shall be allowed in two-family or three-family dwellings solely where all dwelling units making up such use are owned by the same, unique 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 Short-Term Rental Unit.

**Primary Residence:** The Residential Unit in which the Operator resides for no fewer than 183 days of every year. 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 written 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 a single Residential Unit registered as a Short-Term Rental Unit. Registration numbers shall be valid for one (1) year from the date that a license is issued, and shall be associated with both a single Short-Term Rental Unit and a single Operator. The registration number shall be included on any listing or advertisement offering a Residential Unit as a Short-Term Rental Unit.

**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). The term “Residential Unit” shall not include any use, residential or otherwise, under the Newburyport Zoning Ordinance except those three (3) so listed herein.

**Short-Term Rental Unit:** A Residential Unit used for residential occupancy by a person or persons for a period of fewer than thirty-two (32) consecutive days in exchange for a payment and which is not such person or persons Primary Residence. A Short-Term Rental Unit may or may not be offered or leased through a Booking Agent.

**Short-Term Rental Registry:** The database of Short-Term Rental Units 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 Short-Term Rental Units 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 (STRUs) generally.**

No Residential Unit within the City of Newburyport shall be offered as a Short Term Rental Unit (STRU) except in compliance with the provisions of the zoning ordinance, and with this article XI and the terms of any license issued for said STRU by the licensing board pursuant thereto.

**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 Short-Term Rental Unit;
- 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 this 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, or any other similar space;
- g. Tents, lean-tos or any other temporary structure.

**Sec. 9-304 Exemptions from this article**

The following uses of a dwelling unit shall be exempt from the requirements of this 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 this article**

- a. **Houseboats.** The Operator of a houseboat for which there is a current and valid Certificate of Occupancy as a “houseboat” on the effective date of this article may offer such houseboat as a Home Share Rental Unit in accordance with all provisions of this article and the Newburyport Zoning Ordinance, and the Operator of such houseboat need not meet any Primary Residence requirement under this article; provided, however, that such Operator shall not offer more than three (3) houseboats as Home Share Rental Units at the same time.
- b. **Plum Island.** Residential Units located within the Plum Island Overlay District (PIOD) as regulated under the Newburyport Zoning Ordinance may be offered as Short-Term Rental Units for any number of days (consecutive or non-consecutive), and the Operator of such Short-Term Rental Units 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**

An at each property operated together, whether located on the same or multiple lots (whether adjacent or non-adjacent), the Operator may only offer one (1) Short-Term Rental Unit at any given time subject to compliance with the following provisions:

- a. **All Short-Term Rental Units.** The Short-Term Rental Unit has been registered pursuant to Section 9-306.

- b. Limited-Share Rental Units.** An Operator may offer a Limited-Share Rental Unit as a Short-Term Rental Unit 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 Short-Term Rental Unit 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 one hundred and twenty (120) (consecutive or nonconsecutive) days.
- 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. No more than four (4) unrelated occupants without lodging house license.** Pursuant to sections 22 et seq. of chapter 140 of the General Laws, and no more than four (4) persons not within the second degree of kindred to the Operator may occupy a Short-Term Rental Unit unless a valid lodging house license is in effect for such Short-Term Rental Unit pursuant to section 9-1 of the Newburyport Code.
- f. No more than five (5) unrelated occupants unless sprinklered.** 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 Short-Term Rental Unit unless such Short-Term Rental Unit 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 both of the following facts are true:

  - 1. The Operator is the record owner of the Residential Unit offered as a Short-Term Rental Unit; and
  - 2. Offering the Residential Unit as a Short-Term Rental Unit 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 Short-Term Residential Unit, the Operator shall provide his or her name and contact information (including a telephone number), and, if the Operator may be unable to respond in person to any problems or emergencies that may arise regarding the Short-Term Rental Unit when it is being occupied by guests, also the name and contact information (including a telephone number) of another natural person who will be able respond in person to such problems or emergencies. The telephone numbers provided for the Operator, and the natural person able to respond in his or her absence, shall operate 24-hours per day for use by guests, neighbors, and city officials.
- i. No outstanding violations.** For a Residential Unit to be offered as a Short-Term Rental Unit such unit 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. For ease of enforcement, any city officer or department issuing said notice of violation or other order shall notify in writing the licensing board 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 interaction 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, it is forbidden for any Operator to discriminate between or against guests on the bases 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, records to demonstrate compliance with all provisions of this 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 Short-Term Rental Unit; and documentation of the number of days during the year of registration that the Residential Unit was offered and also actually used as a Short-Term Rental Unit. 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 this 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 Short-Term Rental Unit, 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. 9-306 Registration process, certifications, and fee.**

- a. Registration process.** No Operator shall offer a Residential Unit as a Short-Term Rental Unit without having first filed an application therefor with the licensing board to be listed on the Short-Term Rental Registry, and also the licensing board's having approved such application under this section 9-306.
1. A license for operation of said Short-Term Rental Unit shall be valid for one (1) year from the date that a license is issued.
  2. The Operator shall also certify under penalty of perjury that he/she and the Residential Unit complies with all the requirements of this article XI.
  3. An Operator who successfully obtains a license for his/her Residential Unit as a Short-Term Rental Unit shall be issued a registration number by the Licensing Board.
  4. 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 this article XI.
  5. The licensing board shall make each addition to the Short-Term Registry, and data contained within such addition, available electronically via the city website within thirty (30) days of such addition.
- b. Application.** Each application to list a Residential Unit on the Short-Term Rental Registry shall include all of the following information, none of which may be waived by the licensing board:
1. Name of Operator;
  2. Evidence, as required under this article XI, that the Operator is the record owner;
  3. Address of Residential Unit;
  4. Applicable zoning district(s) for the subject property;
  5. Evidence, as required under this article XI, that the Residential Unit is the Operator's Primary Residence.
  6. Rental unit category (Limited-Share Rental Unit, Home-Share Rental Unit, or Owner-Adjacent Unit);
  7. Massachusetts Department of Revenue identification number;
  8. Survey and/or plot plan that indicates:
    - i. Existing structure(s) at the property;
    - ii. Location of any proposed Short-Term Rental Units; and
    - iii. Off-street (on or off-site) parking area(s) to accommodate all uses of the property, including the proposed Short-Term Rental Unit;
  9. Interior layout plan(s), highlighting:
    - i. The bedroom(s) proposed for use by Short-Term Rental Unit guests, the Operator, and any other person; and
    - ii. Proper fire detection for the Short-Term Rental Unit, 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.

10. Evidence of a valid liability insurance policy in the amounts \_\_\_\_.

- c. **Application Fees.** A fee of two-hundred dollars (\$200) per Short-Term Rental Unit shall be due with each application to register Rental Units as Short-Term Rental Units.
- d. **Public hearing upon application.** Upon determining that an application to register a Residential Unit as a Short-Term Rental Unit is complete, including all required materials and payment of the required fee, and except as otherwise provided for annual re-registration under this section 9-306:
  - 1. The licensing board shall notify the applicant in writing of the place, date, and time of a public hearing to be held regarding such application, which hearing shall occur at the next available regular meeting of the licensing board, and in no case later than forty-five (45) days after the date upon which the licensing board determines that the application is complete.
  - 2. No such public hearing shall occur without both of the following forms of notice of the application and the place, date, and time of the public hearing thereon having been made as follows: (1) publication in a local newspaper designated by the licensing board of an advertisement giving notice, which publication shall occur on the date two (2) weeks before and then again on the date one (1) week prior to such hearing; and (2) sending by U.S. Mail to the legal occupants of real property located within a 300-foot radius of the Residential Unit that is the subject of the application.
  - 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.
- 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 any court of competent jurisdiction, as provided by the laws of the Commonwealth.
- f. **Annual re-registration.** Each Short-Term Rental Unit shall be registered anew prior to its annual registration having expired, and its Operator shall be required to submit a complete application therefor, each year, provided, however, that the licensing board shall not be required to hold a public hearing nor shall any public notice of such application be required if there is no change in the information required for such application under subsection (b) of this section 9-306 from the previous year of registration.
- g. **Re-registration upon unit turnover.** Registration of a Short-Term Rental Unit shall be tied to both the Residential Unit and the Operator, and 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 Short-Term Rental Unit, such new Operator shall apply to the licensing board pursuant to this 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 Short-Term Rental Unit.

- h. Amending registration upon change in Primary Residence.** Unless an exception applies under section 9-305, an Operator offering a Residential Unit as a Short-Term Rental Unit ceases to be a Primary Resident of such unit, then such Operator shall immediately notify the licensing board, which shall remove such Residential Unit from the Short-Term Rental Registry.
- i. Bulk 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. 9-307 Room occupancy excise.**

A Residential Unit subject to the provisions of this 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 Short-Term Rental Units, shall comply with the provisions of said statutes. If an Operator does not use a Booking Agent to collect payment for a Short-Term Rental Unit, the Operator shall be personally responsible for collecting and remitting the application room occupancy excise tax to the Commonwealth.

#### **Sec. 9-308 Complaint process; violations**

- a. Complaint.** A complaint alleging that a Residential Unit is in violation of this article XI or any other applicable law, code or regulation may be filed by any person with the licensing board. The complaint must be written 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 thirty (30) days after receipt of a complaint under this section 9-308, the chair of the licensing board or his or her designee shall investigate the circumstances of such complaint, and shall determine whether there has been a violation, If the alleged violation is under the jurisdiction of another federal or state agency, or city officer or department, the chair or his or her designee shall refer the complaint to such agency, officer, or department for further action. Upon a finding of a violation, the chair or his or her designee shall serve written notice of the violation upon the Operator of the Residential Unit at issue, as listed in the Short-Term Rental Registry. The licensing board shall keep records of all complaints received and determinations made.
- c. Right to a public hearing.** A person upon whom a notice of violation has been served under this section 9-308 may request a public hearing on the matter from the licensing board by filing a written petition with the licensing board within fourteen (14) days after the date upon which the notice of violation was served.
  - 1. Upon receipt of a petition for a public hearing, the licensing board shall notify the complainant in writing of the place, date, and time of the hearing, which hearing shall occur at the next available regular meeting of the licensing board, and in no case later than forty-five (45) days after the date upon which City received the petition for hearing. The time period in which violations shall be remedied shall be stayed upon receipt of the petition for a public hearing, and until such time as the hearing is concluded, and the licensing board has issued a written decision.

2. No such public hearing shall occur without both of the following forms of notice of the application and the place, date, and time of the public hearing thereon having been made as follows: (1) publication in a local newspaper designated by the licensing board of an advertisement giving notice, which publication shall occur on the date two (2) weeks before and then again on the date one (1) week prior to such hearing; and (2) sending by U.S. Mail to the legal occupants of real property located within a 300-foot radius of the Residential Unit that is the subject of the notice of violation.
3. Within fourteen (14) days after the conclusion by the licensing board of its public hearing on a notice of violation, the licensing board shall by majority vote sustain, modify, or withdraw the notice of violation 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.

- d. **Automatic penalties.** If the board sustains or modifies the notice of violation, said violation shall be remedied within the time period allotted as issued in the notice or in the modification. The subject Residential Unit shall not be offered as a Short-Term Rental Use until all cited violations have been remedied, as evidenced by the licensing board chair or his or her designee in writing. If a written petition for a public hearing is not filed with the licensing board in compliance with this section 9-308, or if, after such public hearing, the notice of violation has been sustained in any part, each day's failure by the Operator to comply with the notice of violation within the time allotted as issued shall constitute a separate violation of this 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; provided, however, that failure by the person upon whom a notice of violation has been served under this section 9-308 to request timely a public hearing shall be deemed to be a failure by such person to exhaust his or her administrative remedies, and so foreclose judicial appeal.

#### **Sec. 9-309     Discretionary penalties**

- a. **Offering an ineligible unit as a Short-Term Rental Unit.** Any person who offers a Residential Unit located in the City of Newburyport as a Short-Term Rental Unit, 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 violation per day. Each day's failure to comply with a notice of violation 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 Short-Term Rental Unit.
- b. **Failure to register.** Any person who offers as a Short-Term Rental Unit a Residential Unit that is eligible under this article XI for listing on the Short-Term Residential Registry but without first registering such unit, or any person who offers a Residential Unit that is eligible under section 9-303 for listing on the Short-Term Residential Registry but while such unit's registration is 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 notice of violation 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 notice violation.** Any person who fails to comply with any notice of violation or other order issued pursuant to this section by the Commission or a 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. 9-310 Enforcement**

- a. **Enforcement by the City.** The provisions of this section may be enforced in accordance with the noncriminal disposition process section 21D of chapter 40 of the General Laws, and if applicable, by seeking to restrain a violation by injunction.
- b. **Enforcement by Booking Agent.** The licensing board, on behalf of the city, may enter into agreements with Booking Agents for assistance in enforcing the provisions of this 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 this 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 this 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. 9-311 Data sharing**

A Booking Agent shall provide to the licensing board, on a quarterly (three-monthly) 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. 9-312 Effective date.**

The provisions of this article XI shall take effect on January 1, 2021.

#### **Sec. 9-313 Severability.**

The provisions of this article XI are severable. In the event that any provision of this 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