

City of Salem, Massachusetts



“Know Your Rights Under the Open Meeting Law, M.G.L. c. 39 §23B, and City Ordinance Sections 2-2028 through 2-2033.”

The City Council Committee on Ordinances, Licenses & Legal Affairs
co-posted with Committee of the Whole
met in the Council Chamber on Thursday, May 10, 2012 at 6:30 P.M.
for the purpose of discussing the matter(s) listed below. Notice of this meeting was posted on
May 7, 2012 at 2:42 PM.

(This meeting is being recorded.)

ATTENDANCE

ABSENT WERE: NONE Also present. C/ Cann + C/ Fung + C/ Turtel

SUBJECT(S)

No licenses to grant

#146 - Noise Ordinance - Disorderly Houses

C/ O'Keefe. move to approve for 1st passage Section 22-36
C/ Siegel Second
MGL 272 - Sect 53(b)

5 year C may i. passed.

On the motion of C. O'Keefe

the meeting adjourned at 6:45 P.M.

Brian Bonnell

(Chairperson)

City of Salem

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:

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| 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, 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.

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In City Council _____

Submitted by:

Richard D. Brown

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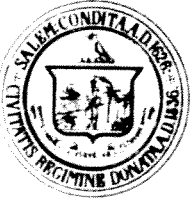
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#146



CITY OF SALEM

In City Council, March 8, 2012

Ordered:

That the Committee on Ordinances, Licenses and Legal Affairs co-posted with Committee of the Whole meet to discuss and review the Noise Ordinance and make changes needed to help control quality of life issues in the various neighborhoods and that the following be invited: representative from the Police Department specifically the CIU, Health Agent and City Solicitor.

In City Council March 8, 2012
Adopted

ATTEST:

CHERYL A. LAPOINTE
CITY CLERK



SALEM POLICE DEPARTMENT

95 Margin Street
Salem, Massachusetts 01970
Community Impact Unit
Special Operations Division

February 28, 2012

Michael Sosnowski
Chairperson
Licenses, Ordinances and Legal Affairs
Salem City Hall
93 Washington Street
Salem, MA 01970

Councilor Sosnowski,

Since the inception of the Community Impact Unit we have taken on the task of dealing with the quality of life of residents in various neighborhoods in the city. One of the biggest and time consuming areas for the police department is the repeat calls for service to the same addresses for disturbances and loud parties. Several years ago the City Council adopted a Noise Ordinance that includes a subsection for Hosting a Loud Party. When this ordinance was adopted there was a fine structure included for violations. The fine structure is;

First offense - \$50.00

Second offense – fine up to \$100.00

Third offense and thereafter, a mandatory fine of \$100.00

Based on calls for service and the number of City Ordinance Violations Issued since October of 2007 I would suggest that the current fine structure is not achieving its desired effect. I conducted a statistical analysis of the CAD for Violation of the Noise Ordinance. This analysis revealed that the police department responded to and issued 332 City Ordinance Violations for violating this ordinance. A great number of these violations were served at the same address and or to the same person and the fines in a majority of these violations have been paid. I would suggest that members of the Community Impact Unit go before the City Council Committee on Ordinance, Licenses and Legal Affairs in order to have the committee amend the fine structure for this ordinance. It is my opinion that a new fine structure could make an impact and reduce the calls for service to some of the repeat addresses that we continually respond to for loud parties. I would suggest a fine structure similar to the City of Beverly, Beverly wrote their Noise Ordinance based on the one that we have in place with a substantial increase in the fine structure. The new fine structure I would propose would be;

First offense - \$100.00

Second offense - \$200.00

Third and subsequent offense - \$300.00

It is my opinion that when the Noise Ordinance was originally drafted the fines were in line with the times, but it is my opinion based on the calls for service and the number of repeat calls to the same address and violations issued to the same individuals I believe that there has to be a modification to the fine structure in order to reduce the calls for police service.

Furthermore I would suggest that we bring forward a motion for the adoption and creation of a Disorderly House Ordinance based on Massachusetts General Law Chapter 272, section 53. This ordinance could be used in lieu of taking out a criminal complaint for Keeper of a Disorderly House. The ordinance would be comprised of the same elements of the statute under C.272, S.53. A fine structure could be created similar to the Noise Ordinance, but the fines would be enhanced because the property owner and or tenant would first be put on notice of the ongoing problems at the property and be given an opportunity to address and remedy the problems. The fine structure for this ordinance would be;

First offense - \$200.00

Second offense - \$250.00

Third offense – Mandatory Criminal Complaint under Massachusetts General Law

Since the inception of the Community Impact Unit we have issued 55 Disorderly House Notifications some of these notifications were for repeat addresses and 99 percent of the time the property owner addresses the problem through eviction or other remedy. There has been only one such incident where we have actually brought forward a criminal complaint, that matter is schedule for a hearing later this month. However, we have started a new practice when dealing with a disorderly house. We are now putting the property owner and tenant on notice that their property/apartment has been identified as a disorderly house and they are subject to a criminal complaint if the activity and complaints continue. It is my opinion that if there is an ordinance in place we would be able to issue violations sooner than going forward with a criminal complaint. It is my opinion that the new ordinance and enhanced fines would assist the police department in responding to the same locations repeatedly for disturbance related calls for service. This would effectively improve the quality of life for the residents that have to endure the activity from residents residing in multi-family dwellings.

Respectfully submitted,

Harry Rocheville

Sergeant

Community Impact Unit

Salem Police Department

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CITY CLERK



SALEM POLICE DEPARTMENT

95 Margin Street
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Community Impact Unit
Special Operations Division

February 28, 2012

Michael Sosnowski
Chairperson
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First offense - \$50.00

Second offense – fine up to \$100.00

Third offense and thereafter, a mandatory fine of \$100.00

Based on calls for service and the number of City Ordinance Violations Issued since October of 2007 I would suggest that the current fine structure is not achieving its desired effect. I conducted a statistical analysis of the CAD for Violation of the Noise Ordinance. This analysis revealed that the police department responded to and issued 332 City Ordinance Violations for violating this ordinance. A great number of these violations were served at the same address and or to the same person and the fines in a majority of these violations have been paid. I would suggest that members of the Community Impact Unit go before the City Council Committee on Ordinance, Licenses and Legal Affairs in order to have the committee amend the fine structure for this ordinance. It is my opinion that a new fine structure could make an impact and reduce the calls for service to some of the repeat addresses that we continually respond to for loud parties. I would suggest a fine structure similar to the City of Beverly, Beverly wrote their Noise Ordinance based on the one that we have in place with a substantial increase in the fine structure. The new fine structure I would propose would be;

First offense - \$100.00
Second offense - \$200.00
Third and subsequent offense - \$300.00

It is my opinion that when the Noise Ordinance was originally drafted the fines were in line with the times, but it is my opinion based on the calls for service and the number of repeat calls to the same address and violations issued to the same individuals I believe that there has to be a modification to the fine structure in order to reduce the calls for police service.

Furthermore I would suggest that we bring forward a motion for the adoption and creation of a Disorderly House Ordinance based on Massachusetts General Law Chapter 272, section 53. This ordinance could be used in lieu of taking out a criminal complaint for Keeper of a Disorderly House. The ordinance would be comprised of the same elements of the statute under C.272, S.53. A fine structure could be created similar to the Noise Ordinance, but the fines would be enhanced because the property owner and or tenant would first be put on notice of the ongoing problems at the property and be given an opportunity to address and remedy the problems. The fine structure for this ordinance would be;

First offense - \$200.00
Second offense - \$250.00
Third offense – Mandatory Criminal Complaint under Massachusetts General Law

Since the inception of the Community Impact Unit we have issued 55 Disorderly House Notifications some of these notifications were for repeat addresses and 99 percent of the time the property owner addresses the problem through eviction or other remedy. There has been only one such incident where we have actually brought forward a criminal complaint, that matter is schedule for a hearing later this month. However, we have started a new practice when dealing with a disorderly house. We are now putting the property owner and tenant on notice that their property/apartment has been identified as a disorderly house and they are subject to a criminal complaint if the activity and complaints continue. It is my opinion that if there is an ordinance in place we would be able to issue violations sooner than going forward with a criminal complaint. It is my opinion that the new ordinance and enhanced fines would assist the police department in responding to the same locations repeatedly for disturbance related calls for service. This would effectively improve the quality of life for the residents that have to endure the activity from residents residing in multi-family dwellings.

Respectfully submitted,

Harry Rocheville
Sergeant
Community Impact Unit
Salem Police Department