



**AGENDA PACKET**

**CITY COUNCIL'S COMMITTEE ON LEGISLATIVE AFFAIRS & ELECTIONS  
MONDAY, NOVEMBER 13, 2023 6:00 PM**

**EVERETT CITY HALL, 484 BROADWAY, CITY COUNCIL CHAMBERS, 3RD FLOOR  
EVERETT, MA 02149**

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on 11/9/2023 at 9:14 A

Attest:

  
ASSAY City Clerk



## AGENDA

CITY COUNCIL'S COMMITTEE ON LEGISLATIVE AFFAIRS & ELECTIONS  
MONDAY, NOVEMBER 13, 2023 6:00 PM

EVERETT CITY HALL, 484 BROADWAY, CITY COUNCIL CHAMBERS, 3RD FLOOR  
EVERETT, MA 02149

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### ROLL CALL

### PLEDGE OF ALLEGIANCE

### UNFINISHED BUSINESS

1. **C0284-23** Ordinance/s/ Councilor Michael K. Marchese, as President  
An ordinance correcting the usage of the Loud and Unnecessary Noise ordinance in the Driveway Construction ordinance
2. **C0268-23** Ordinance/s/ Councilor Michael K. Marchese, as President  
An Ordinance Amending C0365-19 - REGULATION SHORT-TERM RENTAL LICENSES

### ADJOURNMENT

[www.cityofeverett.com](http://www.cityofeverett.com)

(All agendas and reports can be obtained on City of Everett Website)

Respectfully submitted:

***Michael J. Mangan***

Legislative Aide  
Everett City Council Office



C0284-23

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**To:** Mayor and City Council  
**From:** Councilor Michael K. Marchese  
**Date:** October 23, 2023

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**Agenda Item:**

An ordinance correcting the usage of the Loud and Unnecessary Noise ordinance in the Driveway Construction ordinance

**Background and Explanation:**

**Attachments:**

*Current Driveway Noise Restrictions*

*Section 17-115 Specific conditions*

- (a) No construction activity, unless approved by the department of public works or his/her authorized department of public works representative, shall be performed at times not allowed under City of Everett Public Peace and Safety Ordinances, unless otherwise noted on the driveway permit. (Note: Section 13A – 62(g), subsection 14 (6) entitled “Construction Work” states no loud or unusual noise between the hours of 9:00 PM and 7:00 AM are permitted unless first authorized in writing.)

**Current City of Everett Noise Ordinances**

**13A-62(g)(14)b.6.**

6/ Construction Work in Residential Districts

The erection, excavation, demolition, alteration or repair of any building in a residential zoning district attended by loud or unusual noise shall not be allowed on Sundays or between the hours of 7:00 PM and 7:00 AM on other days of the week.

(C0216-20, C0047-21)

**13A-62(g)(14)b.7.**

7. Construction Work in Non-Residential Districts

Regulations regarding the erection, excavation, demolition, alteration or repair of any building in a non-residential zoning district attended by loud or unusual noise are located in Section 12-2002 (b)(6) of these Revised Ordinances.

(C0036-20, C0047-21)

**12-2002 (b)(6)**

(6) The erection, excavation, demolition, alteration or repair of any building attended by loud or unusual noise including, but not limited to, the operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, backhoe, caterpillar, or other similar equipment, shall not take place between the hours of 9:00 PM and 7:00 AM unless first authorized in writing as follows:

(C0047-21)

- a. In the event of an emergency that impacts public safety, by the police chief;
- b. In all non-emergency cases where the overnight work requested shall not exceed three (3) consecutive evenings, by the police chief; or
- c. In all non-emergency cases where the overnight work requested shall exceed three (3) consecutive evenings, or if said requests for overnight work, on the same project/property site, shall exceed four (4) separate requests in the same calendar year, by approval of the city council or its designee.

(C0419-16)

**ENROLLED ORDINANCE**

*PUBLISHED PURSUANT TO CHAPTER 1 SECTION 4.5 OF THE REVISED ORDINANCES OF THE CITY OF EVERETT AND IN COMPLIANCE WITH MASSACHUSETTS GENERAL LAWS Chapter 43, Section 23.*

ENROLLED: 11/13/2023

DATE OF PROPOSED ORDAINMENT: 11/27/2023



**CITY COUNCIL**..... **No. C0284-23**

IN THE YEAR TWO THOUSAND AND TWENTY-THREE

**AN ORDINANCE CORRECTING THE USAGE OF THE LOUD AND UNNECESSARY NOISS ORDINANCE IN THE DRIVEWAY CONSTRUCTION ORDINANCE**

Councilor /s/ Michael K. Marchese, as President

**Whereas:** Portions of a previous version the Loud and Unusual Construction Noise Ordinance are repeated in the Driveway Construction Ordinance; and

**Whereas:** Some of those repeated portions have been since modified in such Noise Ordinance; and

**Whereas:** The Driveway Construction Ordinance needs to be modified to take out any incorrect information. The Driveway Construction Ordinance can still reference such Noise Ordinance. but it should not repeat any information contained in it.

**Now,** therefore, by the authority granted to the City Council of the City of Everett, Massachusetts to make and amend ordinances:

**Be it Ordained** by the City Council of the City of Everett, Massachusetts that Section 17-115 of the Revised Ordinances of the City of Everett is hereby amended as follows:

Section 17-115(a) shall be amended by deleting the current text of the subsection in its entirety and replacing it with the following text:

All driveway construction activity shall be performed in conformance with the Public Peace and Safety Ordinance – Loud and Unnecessary Noises: Construction Work in Residential Districts (Section 13A -62(g)(14)b.6.) and Construction Work in Non-Residential Districts (Section 13A -62(g)(14)b.7.)

This ordinance shall take effect upon passage by the City Council and subsequent approval by His Honor the Mayor.

A true copy attest



*Sergio Cornelio*

Sergio Cornelio, City Clerk



City of  
**Everett**  
Massachusetts

C0268-23

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**To:** Mayor and City Council  
**From:** Councilor Michael K. Marchese  
**Date:** September 25, 2023

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**Agenda Item:**

An ordinance amending C0365-19 - REGULATION SHORT-TERM RENTAL LICENSES

**Background and Explanation:**

**Attachments:**



**ENROLLED ORDINANCE**

*PUBLISHED PURSUANT TO CHAPTER 1 SECTION 4.5 OF THE REVISED ORDINANCES OF THE CITY OF EVERETT AND IN COMPLIANCE WITH MASSACHUSETTS GENERAL LAWS Chapter 43, Section 23.*

ENROLLED:  
DATE OF PROPOSED ORDAINMENT:



**CITY COUNCIL..... No. C0268-23**

**IN THE YEAR TWO THOUSAND AND TWENTY-THREE**

**AN ORDINANCE AMENDING C0365-19 - REGULATION SHORT-TERM RENTAL LICENSES**

Councilor /s/ Michael K. Marchese, as President

Whereas: Enacting ordinance C0365-19, which replaced the original short-term rental ordinance (enacting ordinance C0049-19), is cumbersome in its intended execution, and in its relation to C0371-19 (Zoning Ordinances creating a new subsection 34, Short-Term Rentals); and

Whereas: The current short-term rental ordinance cannot be practically applied in its original spirit of the ordnance; and

Whereas: The current short-term rental ordinance is somewhat confusing regarding qualifications of a property intended for short-term rental registration: and

Whereas: C0371-19 (Zoning Ordinances creating a new subsection 34, Short-Term Rentals) shall be stricken upon separate cover; and

Whereas: C0365-19 shall be replaced in its entirety by this amendment; and

Whereas: State law allows the licensing of these short-term rentals; and

Whereas: By licensing these types of short-term rental will allow the community to safely regulate, allowing for compliance with municipal codes and ordinances.

Now, therefore, by the authority granted to the City Council of the City of Everett, Massachusetts to make ordinances:

Be it Ordained by the City Council of the City of Everett, Massachusetts that the Revised Ordinances of the City of Everett be amended as follows:

Article 14 of the Revised Ordinances of the City of Everett is hereby amended:

## **DIVISION 2. SHORT-TERM RENTAL LICENSES**

### ***Section 14-1011 Purpose***

The purpose of this Amended Division 2 is to provide a process through which certain dwelling units may be registered with the City of Everett for use as Short-Term Rental units under the stipulations laid out within this ordinance.

### ***Section 14-1012 Definitions***

The following words, terms, and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Booking agent.* Any person or entity that facilitates reservations or collects payment for a short-term rental on behalf of or for an operator.

*Building Commissioner.* Building Commissioner/Director of the inspectional services department or a designee.

*Home share unit.* An entire residential unit offered as a short-term rental that is the operator's primary residence.

*ISD.* City of Everett's Inspectional Services Department.

*Limited share unit.* A residential unit that is the operator's primary residence, a portion of which is offered as a short-term rental while the operator is present. Occupancy shall be limited to three bedrooms including the bedroom of the operator in a limited share unit.

*Non-owner occupied unit.* An entire residential unit where the operator or owner does not live in either the unit or the building and it is not the operator's primary residence.

*Operator.* A natural person who is either the owner or the lawful tenant of the residential unit that they seek to offer as a short-term rental. Only one owner or one tenant may be registered as an operator for a residential unit, and it shall be unlawful for any other person, even if that person is an owner or a lawful tenant and meets the qualifications of primary resident, to offer a residential unit for short-term residential rental.

*Owner-adjacent unit.* An entire residential unit offered as a short-term rental that is not the owner's primary residence but that is located within the same dwelling or is otherwise within the same property as the primary residence of, and is owned by, said owner.

"Primary residence. The residential unit in which the operator resides for at least six months out of a 12-month period. Primary residence is demonstrated by showing that as of the date of registration of the residential unit, the operator has resided in the residential unit for six of the past 12 months, as demonstrated by at least two of the following: utility bill, voter registration, motor vehicle registration, deed, lease, driver's license, other state-issued identification, or proof of residential exemption.

*Residential unit.* A residential unit is a dwelling unit as defined in the zoning ordinance but excludes the following: a congregate living complex; elderly housing; a group residence; a homeless shelter; temporary dwelling structure; and transitional housing.

*Short-term rental(s)*. The use of a residential unit for residential occupancy by a person or persons for a period of fewer than 31 consecutive calendar days for a fee. A short-term rental may or may not be facilitated through a booking agent.

**Section 14-1013** Ineligible residential units in the City.

No residential unit shall be offered as a short-term rental except in compliance with the provisions of this section and any regulations that may be promulgated by the Building Commissioner to carry out the provisions of this section.

- (a) The following residential units are not eligible to be offered as short-term rentals:
- (1) Residential units where the operator or owner does not live in either the unit, the building, or within the property and it is not the operator's primary residence, unless the property has employed a local and readily available professional property manager, or it qualifies under the exception for existing non-owner occupied unit, provided in section *14-1014* below.
  - (2) Residential units that are located within properties designated as a "problem property" pursuant to Chapter *13A* of the Ordinances.
  - (3) Residential units that are the subject of three or more findings of violations of this section within a six month period, or three or more violations of any municipal ordinance or state law or code relating to excessive noise, improper disposal of trash, disorderly conduct, or other similar conduct within a six month period. Units found ineligible pursuant to this subsection shall remain ineligible for a 12 month period immediately following the third violation.
  - (4) Residential units located within a property subject to any outstanding building, sanitary, zoning, or fire code violations, orders of abatement, stop work orders, unpaid taxes, water/sewer or tax liens, or other existing judgments or penalties imposed by the city so long as the matter remains unresolved. If a violation or other order is issued after the residential unit has been registered, the residential unit's registration shall be suspended until the violation has been cured or otherwise resolved.

**Section 14-1013.A** Residential units not subject to certain provisions of chapter.

- (a) **Currently Licensed Lodging Houses** – A Residential Unit offered as a Short-Term Rental that is located in a dwelling holding a current and valid Certificate of Occupancy as a lodging house from ISD and a lodging house license from the Everett City Clerk as of the effective date of this Section 14-1011 shall be subject to the registration requirements contained herein.
- (b) **Existing Inn-Holders** – A Residential Unit offered as a Short-Term Rental that holds a valid inn-holder license from the City Clerk and holds a current and valid Certificate of Occupancy as an inn-holder pursuant to 780 CMR 111 from ISD as of the effective date of this Section 14-1011 shall be subject to the registration requirements contained herein.

**Section 14-1014** Requirements for short-term rentals.

An operator may only offer a short-term rental subject to the following provisions:

- (a) **Registration Requirements** – An Operator must follow the registration requirements and registration process pursuant to Section 14-1015.

To cover the expenses associated with monitoring compliance with the requirements of the ordinance, the director of inspectional services shall be authorized to set an annual registration fee per short-term rental unit, in addition to any fee that may be charged for certificate of fitness inspection(s), not to exceed the pro-rata cost to the city for monitoring and enforcement of this section.

- (b) *Short-term rental of a home share unit.* An operator may use their entire home share unit as a short-term rental without a limitation as to the number of days per year. Individual rooms within home share units may not be offered as separate short-term Rentals.
- (c) *Short-term rental of a limited share unit.* An operator may use their limited share unit as a short-term rental without limitation as to the number of days per year.
- (d) *Short-term rental of a non-owner occupied unit.* An operator may use their non-owner occupied unit as a short-term rental subject to discretion of the Building Commissioner upon application to the Building Commissioner identifying an acceptable local and readily available professional property manager. If the Operator's Residential Unit is part of a Condo Association or Building Association, said Operator needs written approval of their Condo Association or Building Association.

Rentals of non-owner occupied units must be for the entire unit; individual rooms within non-owner occupied units may not be offered as separate short-term rentals.

- (e) **Permission of Owner** – An Operator must certify at the time of registration that he or she has the following permissions to offer his or her Residential Unit as a Short-Term Rental:

- (1) Operator has the express permission of the owner of the Residential Unit offered as a Short-Term Rental. This required permission can be evidenced through the owner's signature appearing on the application. Note, the owner's signature is only required for the original application and is not necessary for a Short-Term Rental license renewal; AND
- (2) That offering the Residential Unit as a Short-Term Rental complies with applicable condominium documents, bylaws, rental agreements, or other governing documents.

- (f) *Local contact.* When registering, an operator must provide their name and contact information, and, in the event the operator is not present during the short-term rental, the name and contact information of an individual who is able to respond in person to any issues or emergencies that arise during the short-term rental within two hours of being notified. Contact information must include a telephone number that is active 24 hours per day to tenants, short-term rental occupants, and public safety agencies. This phone number shall be included in the registration of the short-term rental unit at the time of registration.
- (g) ***Posted Safety Measures*** – An Operator shall conspicuously post for the tenants of their Short-Term Rental a sheet detailing the various means of egress in case of an emergency, any fire extinguisher locations, location of fire exits and pull fire alarms if applicable, any parking requirements and/or limitations, and regulations pertaining to trash and recycling, such as pickup days and the locations of their bin(s).
- (h) ***Compliance and Interaction with Other Laws*** – Operators shall comply with all applicable federal, state, and local laws and codes, including but not limited to the Fair Housing Act, G.L. c. 151B and local equivalents and regulations related thereto, and all other regulations applicable to residential dwellings.
- (i) *Retention of records.* The operator shall retain and make available to ISD and/or the Health, Police and Fire Departments, upon written request, records to demonstrate compliance with this section, including, but not limited to: records demonstrating number of months that operator has resided or will reside in the residential unit and records showing that operator is the owner or valid leaseholder of the residential unit offered as a short-term rental. The operator shall retain such records for a period of three years from the date the residential unit is last registered for a certificate of fitness inspection.
- (j) ***Notifications***
  - (1) The Operator shall include the registration number issued by the Building Commissioner on any listing offering the Residential Unit as a Short-Term Rental.
  - (2) The Booking Agent shall permit an Operator to include the registration number issued by the Building Commissioner on any listing offering the Residential Unit as a Short-Term Rental.
  - (3). The Operator, upon listing a short-term rental with a booking agent, or modifying an existing listing shall file with the city an exact duplicate of the listing, including property address. Listings must specify the quantity of off-street parking, if any, and whether or not the address is located in a resident-parking zone, including the October

resident-parking zone. The city shall maintain a list of the address and unit type of all short-term rentals on file with the city that are currently being offered.

- (4). The operator must have on file with the city the name and contact information for the operator if local or, if not local, the name and telephone number of an individual who can respond in person to any issues or emergencies at the property within two hours of being notified.
- (5) Any listing made by the operator with any booking agent or on any website shall prominently display proof of current registration and receipt of a certificate of fitness within the prior 12 months.

**Section 14-1015      *Short-Term Rental Registration Process; Certifications; Liability Insurance; Fees***

- (a) **Registration Process** – An Operator who wishes to offer his or her Residential Unit as a Short-Term Rental shall complete an application and submit it to the Building Commissioner, online or in a paper form, to be listed on the Short-Term Rental Registry. A registration shall be valid for a one-year term, from January 1 through December 31 of each year or for such alternative twelve-month period as the Building Commissioner shall determine. An Operator shall provide information to be listed on the Registry, including: Operator name, address of Residential Unit, Operator's relationship to the unit, and other information as required by the Building Commissioner. The Operator shall also certify that he or she and the Residential Unit comply with the requirements of this section. An Operator who successfully registers his or her Residential Unit as a Short-Term Rental shall be issued a registration number.

When required by the Building Commissioner or his designee, all registration information shall be furnished immediately.

- (b) **Liability Insurance** – An Operator who wishes to offer his or her Residential Unit as a Short-Term Rental must carry liability insurance in accordance with M.G.L. c.175 § 4F.

- (1) Other registration requirements

(C0022-20)

All applications for short-term rental registrations, initial or renewal, shall be accompanied by the following additional materials:

- a. Certificate of Good Standing

A form or other method used to record the current local tax status of a property on which a short-term rental license is proposed to be/is currently

- b. being exercised.  
REAP Attestation  
A form from the Massachusetts Department of Revenue on which an applicant for a short-term rental license declares, when true, they have filed all state tax returns and paid all state taxes required by law.
- c. ISD Approval  
A form or other method used to record:
  - 1. The zoning district of the property address on which a short-term rental license is proposed to be or is currently being exercised; and
  - 2. The results of a current building inspection performed by a city inspectional services inspector of a proposed or existing short-term rental unit.
- d. Fire Approval  
A form or other method used to record the results of a current fire safety code inspection performed by the city's fire prevention bureau of a proposed or existing short-term rental unit.

(d) **Fees** – Units shall be annually recorded in the Short-Term Rental Registry pursuant to the following:

(1) All fees shall be in accordance with Section 14-1015 of this Chapter.

(e) Fees and taxes

(C0022-20)

(1) Initial registration fee

- a. There shall be a registration fee associated with the Building Commissioner's consideration of an application for the initial registration of an operator and their short-term rental unit(s).
- b. The amount of such fee shall be determined by the Building Commissioner.
- c. Such fee shall be paid by the applicant prior to their application being considered by the Building Commissioner.
- d. Such fee shall not be refundable if the Building Commissioner denies said application.

(2) Annual registration fee

- a. There shall be an annual registration fee for listing a short-term rental unit on the city's short-term rental registry, due annually on April 1 each year.

- b. The amount of such fee shall be determined by the Building Commissioner.
  - c. Such fee shall be paid by the operator before a current registration number for a short-term rental unit shall be issued.
- (3) Inspection fee
- a. The Building Commissioner may assess an inspection fee to help cover the cost of the inspections required as a part of the annual registration process for short-terms rentals.
  - b. The amount of such fee, if any, shall be determined by the Building Commissioner.
  - c. Any such fee shall be paid by the operator before a current registration number for a short-term rental unit shall be issued.
- (4) Rental taxes and fees
- The following taxes and fees shall be imposed on the total amount of the rent assessed for any room or rooms in a short-term rental unit located within the city:
- a. A tax of six percent (6%), pursuant to M.G.L. c.64G § 3A; and
  - b. A community impact fee of three percent (3%), pursuant to M.G.L. c.64G § 3D.
- (5) Parking Passes – NO parking passes will be allowed for short term renters. Parking must be supplied by the Owner, and notification of this policy must be made in writing to each renter.
- (f) (1) ***Re-registration upon Unit Sale/Transfer*** – A registration shall be tied to both the Residential Unit and the Operator and will not automatically transfer upon the sale of the unit. New Operators are responsible for ensuring that they re-register with the Building Commissioner to obtain a new registration number if they wish to continue to list the Residential Unit on the Short-Term Rental Registry.
- (g) (1) ***Amending Registration upon Change in Primary Residence*** – If an Operator offering a registered Residential Unit ceases to be a Primary Resident of the unit, the Operator shall immediately notify the Building Commissioner to remove the unit from the Short-Term Rental Registry.
- (h) (i) ***Bulk Registration by Booking Agent*** – Nothing herein shall prohibit a Booking Agent from entering into an agreement with the City to provide registration services for Short-Term Rental Operators.



Any short-term rental units to which the Commonwealth extends any excise or surcharge, and the city extends a local option of such, shall comply with the provisions of said statutes. However, where allowable operators may use a booking agent and the booking agent may enter into an agreement with the city for the collection and remittance of such tax. If the operator does not use a booking agent to do so, the operator is solely responsible for collecting and remitting the applicable tax.

***Section 14-1017 Complaint Process; Violations***

Complaints shall be made to the police, fire, health and/or inspectional services department and investigation shall commence within 30 days. Violations may, at the enforcement official's discretion, result in a warning or an ordinance ticket and the maximum appropriate fine. Three or more such tickets within a six month period will result in the unit no longer being eligible to that operator for use as a short-term rental for a period of six months following the most recent violation.

Violations may include any failure to abide by this ordinance including, but not limited to, offering an ineligible unit, failure to furnish copy of booking agent listing or include required parking information in such listing, failure to furnish a community information card to guests or furnishing one without the required minimum information, or failure to remit any required excise tax or surcharge as required by law. Unpaid taxes or surcharges shall also be liened against the property.

***Right to Hearing*** – All rights for hearings shall be in accordance with § 13A-49 of the Revised Ordinance of the City of Everett

A person upon whom notice of violation has been served may request a hearing from the Hearing Officer by filing a written petition requesting a hearing on the matter with the Hearing Officer within twenty-one (21) days after the notice of violation was served. Upon receipt of a petition for hearing, the Hearing Officer shall notify the complainant of the place, date and time of the hearing.

***Section 14-1018 Penalties***

- (a) ***Offering a Unit as a Short-Term Rental without first Obtaining a License*** – Any person who offers a unit as a Short-Term Rental, or any Booking Agent who accepts a fee for booking a unit as a Short-Term Rental, without first receiving a license from the Building Commissioner shall be fined up to three hundred dollars (\$300) per violation per day, in accordance with Section 1-8 of these Revised Ordinances. Each day's failure to comply with a notice of violation or any other order shall constitute a separate violation. Building Commissioner or a designee may also seek an injunction

from a court of competent jurisdiction prohibiting the offering of the unit as a Short-Term Rental.

- (c) ***Failure to Comply with Notice of Violation*** – Any person who fails to comply with any notice of violation or other order issued pursuant to this section by the Building Commissioner or a designee for a violation of any provision of this section 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

***Section 14-1019 Enforcement***

- (a) ***Enforcement by City*** – The provisions of this section may be enforced in accordance with the noncriminal disposition process of M.G.L. c. 40, s. 21D, and, if applicable, by seeking to restrain a violation by injunction. The provisions of this section may also be enforced according to M.G.L. Chapter 40U as accepted by the City of Everett.
- (b) ***Enforcement by Booking Agent*** – Upon demand by the City of Everett, the Booking Agent shall remove a listing from its platform for violation of this Ordinance.

***Section 14-1020 Regulations***

The City of Everett may promulgate regulations, policies, restrictions, guidelines, etc. to carry out the provisions of this section.

***Section 14-1021 Severability***

This Ordinance, as amended from time to time, shall be fully enforced by the City of Everett. All provisions are to be presumed to be lawful. If this Ordinance shall be declared unconstitutional or unlawful, only so much of the provision as is necessary to ensure compliance shall be stricken and the balance of the Ordinance shall remain intact and fully enforceable.

This ordinance shall take effect upon passage by the City Council and subsequent approval by His Honor the Mayor.

A true copy attest



A handwritten signature in black ink, reading "Sergio Cornelio". The signature is written in a cursive style with a prominent initial 'S'.

Sergio Cornelio, City Clerk