



# Town of West Newbury Massachusetts

## *Lodging House Regulations 4 Lodgers and Over*

**Authority and Scope:** The following lodging house regulations have been adopted by the Board of Selectmen (“Board”), the licensing authority for the Town of West Newbury pursuant to the provisions of Massachusetts General Laws (M.G.L.), Chapter 140. Any and all licenses issued by the Board shall be governed by, and subject to the licensee’s compliance with all applicable federal, state and local laws, regulations, and by-laws, including by not limited to the M.G.L, these regulations, the Town of West Newbury By-Laws and Zoning By-Laws, all applicable building, fire prevention, health and sanitary codes, and any conditions that the Board imposed on specific licenses. Where there is a conflict between these regulations and a condition on the license, the condition shall govern unless it is inconsistent with the law. The Board reserves the right to modify and supplement these regulations and the conditions on any license after due notice and hearing.

### **Definitions:**

**Lodging House:** Every dwelling or part thereof which contains one or more rooming units in which space is let or sublet for compensation by the licensee, owner or operator to four or more persons not within the second degree of kindred to the person compensated. The term lodging house shall include: boarding houses, rooming houses, inn, bed and breakfast establishments,

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dormitories, fraternity houses, any property or equipment used for dwelling purposes such as a vehicle or vessel that is and other similar dwelling places.

**Lodger:** A lodger is any person residing in a rooming unit including any person listed as a lodger on any lease or occupancy agreement for said unit.

**Rooming Unit:** The room or group of rooms let to an individual or household for use a living and sleeping quarters.

**Licensee:** That person(s) or entity listed on the lodging house license and the owners of the land and building where the lodging house is operated.

**Application for a New or Renewed License:** All applications for a new or renewed license shall be made on the form attached hereto as Appendix A for which the Board reserves the right to change or modify. All applications must contain complete and truthful information. Submission of an application containing false information shall be cause for refusing the application or suspending, cancelling or revoking the license already granted. No application shall be accepted by the Board unless it is complete. Annual license fees shall be payable immediately upon approval of the license by the Board. Filing fees are non-refundable once an application has been accepted by the Board. License fees shall not be prorated and are not refundable.

No person or entity shall obtain or renew a license unless the applicant can demonstrate proof of a legal right to the licensed premises for the term of license and authority from the record owner.

There shall be an application fee in an amount established by the Board and set forth on Appendix A hereof. The fee for the License shall be \$50.00.

1. In determining whether or not to grant a new license, the Board shall consider matters bearing on health, safety and welfare of the property and the surrounding areas. The number of lodging rooms shall not exceed the number of bedrooms permitted by the Title V Sanitary Septic System servicing the premises. (the bedroom or bedrooms occupied the applicant shall be subtracted from the number of bedrooms available to be lodging rooms hereunder). Maximum number of lodgers are not to exceed (2) two per bedroom. There shall be adequate on-site parking available for all lodging rooms. No functions or other large gatherings shall be permitted on the site. In the event that the proposed lodging house is serviced by well water, there shall be a determination from the Board of Health that the water service is adequate. The failure to comply with any federal, state or local law, regulation or bylaw shall be cause for denial or the application or non-renewal of any previous licenses. This includes, but is not limited to, the Town Zoning Bylaw, State and local health codes, the State Building Code and the State Fire Code.

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Prior to the issuance of any license, the Board shall seek advisory reports from the Police Department, Fire Department, Health Department, Inspections Department and any other applicable Town official. Applicants shall permit inspections of the property at any time.

**Registers:** The licensee of every lodging house shall keep, in permanent form a register. Such register shall contain the name and last residence of every person occupying a lodging room. Said register shall be in a form proscribed by the Board and shall be maintained for a minimum of two years. Until the entry of such name and the record of the room have been made, such person shall not be allowed to occupy privately any room upon the licensed premises. In addition, the licensee shall keep a file containing current information on each lodger including full name, the time of registration, room number, address, state of car registration and license plate number. These records shall be available for inspection at all times by any town official.

**Town Inspections:** Town inspections shall be made on an annual basis by authorized inspectional departments to determine compliance with applicable state and local laws, regulations and codes. In addition, inspections may be made at any other times to investigate complaints or non-compliance issues.

**Standards:** All lodging houses shall comply with the requirements of Article II of the State Sanitary Code, Minimum Standards of Fitness for Human Habitation, which is incorporated herein by reference, and with the requirements of these regulations, whenever these are in addition to or more stringent than the requirements of Article II of said Code.

**Storage, Collection and Disposal of Waste:** The Licensee shall comply with the Town of West Newbury Board of Health waste requirements, including but not limited to the limitations on the amount of waste that is placed for collections weekly. Any waste in excess of the amount permitted to be set out from collection by the Board of Health shall be disposed of by the Licensee at his sole cost and expense. The Licensee shall provide watertight, rodent-proof receptacles with tight fitting covers. Any receptacles placed for collection shall not be curbside prior to 4:30 PM on the day preceding collection.

**Fire Safety Plans:** Each application shall address and identify all plans for fire safety and compliance with fire safety codes including but not limited to smoke detectors, carbon monoxide detectors, egress facilities, signage, emergency lighting and fire extinguishers. All should be discussed and approved by the West Newbury Fire Department.

**Certificates of Inspection:** Prior to the issuance of any license or renewal of any license, the Applicant shall supply the Licensing Authority with a Certificate of Inspection signed off by the Inspector of Buildings, the Health Department and the Fire Department signifying compliance with State and Local Codes and Regulations, these Regulations and any license conditions.

**Applications for Renewal:** All licenses shall be issued on an annual basis with a term of January 1 to December 31. All applications for renewal shall be submitted by November 15 of

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the year preceding the renewal year. All Certificates of Inspections shall be submitted no later than December 1 of the year preceding the renewal year.

**Severability of Provisions:** The invalidity, if so declared by a court of competent jurisdiction, of any provision of these regulations shall not affect the validity of the remainder of them.

**Penalty:** Whoever refuses, neglects or fails to comply with any of these regulations shall be subject to license suspension, license revocation or to a fine not to exceed \$300.00 for each violation, and to the penalties imposed by Massachusetts General Laws, Chapter 140 Section 22 *et seq.*, where applicable and such other statutes; the State Sanitary Code, Fire Code, Building Code and all other regulations and fines applicable to the particular violation. Each other municipal department retains the right and remedy to impose fines or other sanctions in accordance with their respective authorities.

Approved on September 6, 2016 by

Joseph H. Anderson, Jr., Chairman  
Glenn A. Kemper  
David W. Archibald  
BOARD OF SELECTMEN