

TOWN OF TISBURY
RULES AND REGULATIONS
FOR INNHOLDERS AND COMMON VICTUALLERS

- Article 1: All innholders and common victuallers, as defined in Massachusetts General Laws (MGL) Chapter 140, as amended, conducting business in the Town of Tisbury, shall as licensed by the Board of Selectmen. Any person desiring to act, or acting as an innholder or common victualler shall be subject to all regulations promulgated by the Board of Selectmen. Said regulations shall not be inconsistent with the MGL Chapter 140, as amended, and shall be adopted after notice and public hearing.
- Article 2: All persons desiring to conduct business as an innholder or common victualler in the Town of Tisbury must be licensed by the Board of Selectmen every calendar year. A selectman may refuse to sign a license for a person who, in his opinion, has not complied with the MGL Chapter 140, as amended. This section shall not require the licensing authorities to grant either of said licenses if, in their opinion, the public good does not require it. The licenses shall be recorded in the office of the licensing authorities. A Selectman, who signs a license granted contrary to MGL Chapter 140, shall be punished by a fine of not more than fifty dollars, (\$50.00), (Ch. 140, section 2).
- Article 3: Whoever assumes to be an innholder or common victualler without being licensed as such under MGL Chapter 140 shall forfeit one hundred dollars, (\$100.00). If, in the opinion of the licensing authorities, a licensee as an innholder or a common victualler ceases to be engaged in the business he is licensed to pursue, or fails to maintain upon his premises the implements and facilities required by MGL Chapter 140, they shall immediately revoke his license. If a licensee at any time conducts his licensed business in an improper manner, the licensing authorities, after notice to the licensee and reasonable opportunity for a hearing, may upon satisfactory proof thereof suspend or revoke his license. An innholder who violates MGL Chapter 140 Section 7 shall forfeit his license. A licensee who is convicted a second time of the violation of any of the provisions of MGL Chapter 140 sections six to eighteen, inclusive, shall forfeit his license.(Chapter 140, Section 7).
- Article 4: Nothing contained in these rules and regulations shall exempt any person conducting business in the Town of Tisbury as an innholder or common victualler from adhering to and complying with all applicable

Massachusetts General Laws, building code, health codes, and Town bylaws.

- Article 5: All innholders' licenses shall be expressed to be subject to sections twenty-two to thirty-two, inclusive, of MGL Chapter 140 and sections twenty-five to twenty-seven, inclusive, of MGL Chapter two hundred and seventy-two. (Chapter 140, Section 3).
- Article 6: Premises occupied, used or controlled by a licensee under sections twenty-two to thirty-one, inclusive, or under an innholder's license shall be subject to inspection by the licensing authorities and their authorized agents, and by the police on request from the licensing authorities. (Chapter 140, Section 25).
- Article 7: Every license of an innholder or common victualler shall specify the street and number, if any, of the building where the business is to be carried on or give some other particular description thereof, and the license shall not protect a licensee who carries on his business in any other place. Such licenses shall expire on December thirty-first of each year; but they may be granted during December, to take effect on January first following. (Chapter 140, Section 4).
- Article 8. Whether such license shall be granted rests in the sound judgement of the licensing board as to the demands of public safety and welfare in the Town. A license is not a matter of right; however, the reason for denial may not be groundless or legally erroneous.
- Article 9: Applications for an Innholder's or Common Victualler's license may be obtained at the Selectmen's office. All year-round Common Victuallers and Innholders must submit renewal applications by December 1st for the following calendar year. All seasonal Common Victuallers and Innholders must submit renewal applications by April 1st. Submission of an application does not necessarily constitute agreement by the Town to issue these licenses. An application will not be processed until all required information has been received and the application form is complete. The application fee shall be Five Dollars (\$5.00); the license fee shall be Thirty-five Dollars (\$35.00). The applications submitted past the renewal deadline will be a subject to a late fee of Fifty Dollars (\$50.00).
- Article 10: The Building Inspector and Fire Chief will make one inspection prior to the issuance of the license. If the business is to be operated for more than six months of the calendar year, a second inspection will be required. The fee for the initial inspection shall be Fifty Dollars, (\$50.00, and the fee for the second inspection twenty-five Dollars, (\$25.00)

- Article 11: The Board of Selectmen shall determine what information will be provided on a standardized application form, and the form shall include, but not be limited to: name, address, name of business, permits or licenses obtained, certification of filing of state tax returns, and any other information required by the Selectmen for review of said application.
- Article 12: Upon receipt of a completed application form, the Board of Health will be contacted to ensure that the business is in compliance with all applicable health and sanitary codes. The applicant will be responsible for complying with any regulations, codes or inspections required by any agency or officer of the Town prior to issuance of the Innholder's or Common Victualler's license and shall also be responsible for any fees related to these regulations, codes or inspections.
- Article 13: After compliance with all applicable building codes, health codes, and bylaws has been assured, the application will be reviewed at the meeting or hearing of Board of Selectmen. A formal hearing will be required for all new applications or for changes in ownership. No formal hearing will be required for license renewals for which there is no change in ownership, number of rooms, or any other changes in business from previous year. A formal hearing may be requested for stated reasons by a two-thirds vote taken at a regular meeting of the Board of Selectmen. The applicant may be requested to appear before the Board of Selectmen.
- Article 14: Any hearing required by these regulations or requested by the Board of Selectmen shall be properly posted with notification given to the applicant seeking the license. Hearing will follow the regulations adopted by the Board of Selectmen governing hearing procedures.
- Article 15: A common Victualler's or Innholder's license may be issued to an applicant therefor if at the time of his application he has upon his premises the necessary implements and facilities for cooking, preparing and serving food for strangers and travelers, and, in the case of an applicant for an innholder's license, also has the rooms, beds and bedding required by law. An applicant for a license as a common victualler or as an innholder, proposed to be exercised upon premises which have not been equipped with fixtures or supplied with necessary implements and facilities for cooking, preparing and serving food and upon which, in the case of an applicant for an innholder's license, there are not also provided suitable rooms, beds and bedding for the lodging of his guests, shall file with the licensing authorities a plan showing the location of counters, tables, ranges, toilets and in general the proposed set-up of the premises, which shall include, in the case of an applicant for an innholder's license, a plan of the proposed suitable rooms for the lodging of his guests and a list of the beds and bedding, which he

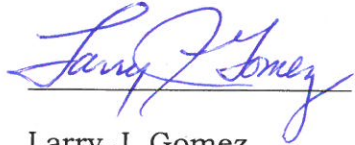
proposes to have upon said premises if and when the license may issue, together with an itemized estimate of the cost of said proposed set-up and of such fixtures, and of the implements and facilities necessary for cooking, preparing and serving food and of such beds and bedding; and thereupon the licensing authorities may grant a common victualler or an innholder's license, as the case may be, upon the condition that such license shall issue upon the completion of the premises according to the plans and estimate submitted, and the decision of the licensing authorities as to whether or not said premises are so completed shall be final. (Chapter 140, section 6).

- Article 16: Every innholder and every common victualler shall at all times be provided with suitable food for strangers and travelers. Every innholder shall also have upon his premises suitable rooms, with beds and bedding, for the lodging of his guests. (Chapter 140, Section 5).
- Article 17: Every innholder and common victualler shall at all times have a board or sign affixed to his house, shop, cellar or store, or in a conspicuous place near the same, with his name legibly inscribed thereon in large letters and the business for which he is licensed inscribed thereon, and upon neglect thereof shall forfeit twenty dollars, (\$20.00). (Chapter 140, Section 18).
- Article 18: Innholders shall post a printed copy of MGL Chapter 140, sections 10, 11, 12 and 13 in a conspicuous place in each room of their inns. (Chapter 140, Section 13).
- Article 19: Any person aggrieved by an act of an innholder or common victualler may notify the Board of Selectmen in writing and request a hearing. Said hearing shall be called only if complaint pertains to matters under the jurisdiction of the Board of Selectmen or any other agency or official of the Town for non-compliance with these rules and regulations. Any Hearing called under this article will follow the policy adopted by the Board of Selectmen governing hearing procedure.
- Article 20: The state secretary shall cause a condensed summary of all laws relative to innholders and common victuallers to be printed, and shall supply copies thereof to licensing authorities, who shall at the time of granting each license provide the licensee with a copy of such summary. (Chapter 140, Section 19).

Article 21: The Board May amend these regulations and fees from time to time after a properly posted Public Hearing on the proposed amendments.

Adopted by the Tisbury Board of Selectmen on May 5, 1986.

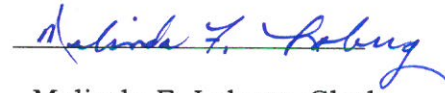
Revised by the Tisbury Board of Selectmen on November 07, 2017.



Larry J. Gomez,
Chairman



Tristan R. Israel, Vice
Chairman



Melinda F. Loberg, Clerk