

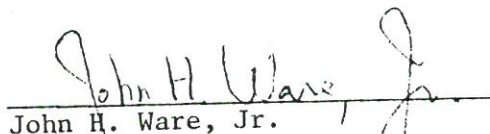
TOWN OF TISBURY
Rules and Regulations for
Operation of Lodging Houses

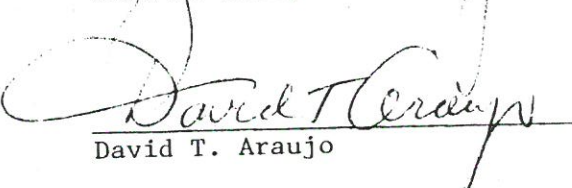
- Article 1 All Lodging Houses, as defined in Massachusetts General Laws, (MGL) Chapter 140, Sections 22 to 31, inclusive, located in the Town of Tisbury, shall be licensed by the Board of Selectmen. Any person desiring to conduct or conducting a lodging house shall be subject to all regulations promulgated by the Board of Selectmen. Said regulations shall not be inconsistent with MGL Chapter 140, as amended, and shall be adopted after notice and public hearing.
- Article 2 "Lodging House" shall mean a house where lodgings are let to more than three persons not within the second degree of kindred to the person conducting it, and shall include fraternity houses and dormitories of educational institutions, but shall not include dormitories of charitable or philanthropic institutions or convalescent or nursing homes licensed, or group homes licensed or regulated by by agencies of the Commonwealth under Section 71 of Chapter 111, or rest homes so licensed. (Chapter 140, Section 22).
- Article 3 All persons desiring to conduct a Lodging House in the Town of Tisbury must be licensed by the Board of Selectmen every calendar year. Such license shall take effect on January first of each calendar year and shall expire on December thirty-first of each year.
- Article 4 Whoever conducts a Lodging House without a license shall be punished by a fine of not less than one hundred (\$100) nor more than five hundred (\$500) dollars or by imprisonment for not more than three months, or both. Upon the complaint of an aggrieved party, the licensing authority or an officer of a city or town wherein such unlicensed lodging house is conducted, a justice of the housing court division or the superior court division of the trial court, may enjoin the conducting of unlicensed lodging house and may make such other orders as the court may deem equitable to enforce the provisions of Sections 22 - 31, inclusive. (Chapter 140, Section 24).
- Article 5 Whether such license shall be granted rests in the sound judgment 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 6 Applications for a Lodging House License may be obtained at the Selectmen's Office. All applications must be received by December first for the following calendar year. Submission of an application does not necessarily constitute agreement by the Town to issue a Lodging House License. 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 Lodging House License fee shall be Thirty-five Dollars, (\$35.00).
- Article 7 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, number of rooms, 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 8 No license for a Lodging House will be issued for a home in a residential area unless the owner or owners have been granted a Special Permit, or have provided valid evidence of a pre-existing, non-conforming status which must be duly recorded as part of the application form.
- Article 9 Upon receipt of a completed application form, the application will be routed to the Planning Board, the Board of Health, and the Building/Zoning Inspector. The Planning Board will ensure that the business is in compliance with the Zoning Bylaws; the Board of Health will ensure that the business is in compliance with all applicable health and sanitary codes; the Building/Zoning Inspector will ensure that the business is in compliance with all applicable building codes by on-site inspections, and assist the Planning Board in its determination of zoning compliance. The applicant will be responsible for complying with any regulations, codes, or inspections required by any agency or or officer of the Town prior to issuance of the Lodging House License and shall also be responsible for any fees related to these regulations, codes or inspections.


- rticle 10 Premises occupied, used or controlled by a licensee under Sections 22-31, 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).
- rticle 11 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).
- rticle 12 After compliance with all applicable building codes, health codes, and Bylaws has been assured, the application will be reviewed at a meeting or hearing of the 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 or number of rooms, or any other changes in the business from the previous year. A formal hearing may be requested for stated reasons by a two thirds vote taken at any legal public meeting of the Board of Selectmen. The applicant may be requested to appear before the Board of Selectmen.
- rticle 13 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 Lodging House License. Hearing will follow the regulations adopted by the Board of Selectmen governing hearing procedure.
- rticle 14 Any person aggrieved by the operation of any Lodging House may notify the Board of Selectmen in writing and request a hearing. Said hearing shall be called only if the 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 with these rules and regulations. Any hearing called under this article will follow the policy adopted by the Board of Selectmen governing hearing procedure.
- rticle 15 A license issued under MGL Chapter 140, Sections 22-31, inclusive, shall be revoked if at any time the licensing authorities are satisfied that the licensee is unfit to hold the license. They may suspend or make inoperative, for such period of time as they may deem proper, the licenses mentioned herein for any cause deemed satisfactory to them. The revocation and suspension shall not be made until after investigation and a hearing, or after giving the licensee an opportunity to be heard; notice of the hearing shall be left at the premises of the licensee not less than three (3) days before the time therefor. (Chapter 140, Section 30).
- rticle 16 The Board of Selectmen may amend these regulations and fees from time to time after a properly posted Public Hearing on the proposed amendments.

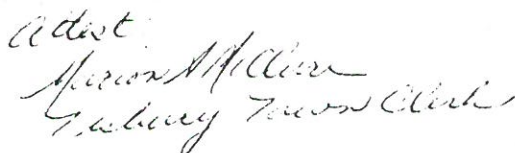
30 December, 1985

Town of Tisbury
Board of Selectmen


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