

Section 3: LODGING REGULATIONS

At its regular Board of Health meeting held on February 1, 2017, the **Wareham Board of Health** voted, pursuant to Chapter 111, Section 31 of the Massachusetts General Laws, to amend its Hotel, Motel and Guest Cabin Regulation, to read as follows:

Authority: These regulations are promulgated by the **Board of Health** under the authority of M.G.L. c. 111,s.31 and c. 140.

Scope of Regulations: These regulations pertain to the licensing and operation of lodgings within the Town of Wareham.

Amendments to Regulations: The **Board of Health** may, after hearing, amend or modify these rules and regulations.

Applicability: Where the General or Special Laws confer licensing authority upon an official or board other than the Board of Health with respect to lodging, any reference to a **‘license’** to be issued herein by the Board of Health shall be deemed to be an **‘operations certificate’** required to protect public health.

Severability: If any section, paragraph, sentence, clause, phrase, or word of these regulations shall be declared invalid filed with the Town Clerk, or by a court of competent jurisdiction, that ruling shall not affect any other portion of these regulations, which shall remain in full force and effect, and to this end the provision of these regulations are hereby declared severable.

HOTELS

Definitions:

1. **Hotel:** As defined in Section 12A Chapter 140 of MGL the word "hotel" shall mean a hotel, motel, resort, boarding house, or inn, which is kept, used or advertised as, or held out to the public to be, a place where sleeping or housekeeping accommodations are supplied for pay to guests for transient occupancy.
2. **Efficiency Unit:** Efficiency Units shall be any unit, room or suite of rooms within a motel or hotel providing both cooking and sleeping accommodations, is self-sufficient in living requirements for a limited period of time, and meets the current minimum standard of fitness for human habitation, as defined in 105, CMR 410.000, State Housing Code.

Licenses:

1. No person (individual, partnership, corporation, firm, association, trust or group, owning property or carrying on an activity regulated by these regulations) shall conduct, control, manage or operate directly or indirectly, any hotel unless that person is the holder of a license granted and issued by the Wareham Board of Health.
2. The Board of Health or its agent shall inspect each hotel prior to issuing or reissuing a license required by Section 4.02. Such inspections shall be made in accordance with applicable State Sanitary Code Regulations pertaining to sanitation and public safety, as defined in 105 CMR 410.000, State Housing Code and other applicable law.
3. Said license shall expire on December 31 in the year of issue and a renewal fee shall be \$225.00 plus \$20.00 per room.
4. Every person who owns, manages or operates a hotel shall maintain an up-to-date guest register containing guest's name, permanent residence address, date of registration, and duration of stay. Such register shall be made available for inspection to the Board of Health, its agent, or a police officer.
5. **Guest units shall not be occupied as a principal place of residence.** Occupancy of a hotel guest unit by a person at the same licensed premises shall be limited to five weeks in any six month period. Should a person wish to extend his/her stay at said hotel beyond a five week time period, they must apply for a variance from the Board of Health. Any requests for extensions must be submitted to the Board of Health in writing 15 days (fifteen days) **prior** to the expiration of the five week period.
6. Occupancy of efficiency units by a person at the same licensed premises shall be limited to 90 calendar days in any twelve month period. Proof of permanent residency must be provided by occupant at time of registration. Any requests for additional 90-day extensions must be submitted to the Board of Health in writing 15 days (fifteen days) **prior** to the expiration of the 90-day period.
7. The owner or operator of any hotel shall maintain all entrances and exits and all roads within the area in good condition, free of debris, glass or litter.
8. The owner or operator of any hotel shall provide to each unit an adequate water supply and sewage facilities.
9. The owner or operator of any hotel shall provide for the occupants, adequate rubbish barrels and facilities for garbage disposal and shall maintain the premises in a sanitary condition, free of debris, glass, litter, etc.

10. The Board of Health, in each instance after a hearing, notice of which shall be sent to the licensee by first class mail and published once in a newspaper or circulated in the Town of Wareham, may grant, or may suspend or revoke any license issued to a hotel, for violation of these regulations or applicable provision of the State Sanitary Code. Any license suspended or revoked may be re-issued by the Board of Health upon satisfactory evidence that the violation(s) is (are) corrected.
11. Violations for these regulations shall be punishable by a fine of \$100.00 per offense. Each day of violation shall be considered a separate offense.

LODGING HOUSES

Definition:

1. **Lodging House:** As defined in Section 22 Chapter 140 of MGL lodging house shall mean a house where lodgings are let to four or more persons not within second degree of kindred to the person conducting it, and shall not include dormitories of charitable or philanthropic institutions or convalescent or nursing homes licensed under section seventy-one of chapter one hundred and eleven or rest homes so licensed, or group residences licensed or regulated by agencies of the commonwealth.

Licenses:

1. No person (individual, partnership, corporation, firm, association, trust or group, owning property or carrying on an activity regulated by these regulations) shall conduct, control, manage or operate directly or indirectly, any lodging house unless that person is the holder of a license granted and issued by the Wareham Board of Health.
2. The Board of Health or its agent shall inspect each lodging house as stated in Section 25 Chapter 140 of MGL prior to issuing or reissuing a license. Such inspections shall be made in accordance with applicable State Sanitary Code Regulations pertaining to sanitation and public safety, as defined in 105 CMR 410.000, State Housing Code and other applicable law.
3. Said license shall expire on December 31 in the year of issue and a renewal fee shall be \$125.00 plus \$15.00 per room.
4. Every person who owns, manages or operates a lodging house shall maintain an up-to-date guest register containing guest's name, permanent residence address, date of registration, and duration of stay. Such register shall be made available for inspection to the Board of Health, its agent, or a police officer.

5. The owner or operator of any lodging house shall provide access to each unit an adequate water supply and sewage facilities along with a community kitchen area with adequate food storage facilities.
6. The owner or operator of any lodging house shall provide for the occupants, adequate rubbish barrels and facilities for garbage disposal and shall maintain the premises in a sanitary condition, free of debris, glass, litter, etc.
7. The Board of Health, in each instance after a hearing, notice of which shall be sent to the licensee by first class mail and published once in a newspaper published or circulated in the Town of Wareham, may grant, or may suspend or revoke any license issued to a hotel, for violation of these regulations or applicable provision of the State Sanitary Code. Any license suspended or revoked may be re-issued by the Board of Health upon satisfactory evidence that the violation(s) is (are) corrected.
8. Violations for these regulations shall be punishable by a fine of \$100.00 per offense. Each day of violation shall be considered a separate offense.

BED AND BREAKFAST

Definition:

1. **Bed and Breakfast:** As defined in 105 CMR 590.002 means a private owner-occupied house where four or more rooms are let and a breakfast is included in the rent.

Licenses:

1. No person (individual, partnership, corporation, firm, association, trust or group, owning property or carrying on an activity regulated by these regulations) shall conduct, control, manage or operate directly or indirectly, any bed and breakfast unless that person is the holder of a license granted and issued by the Wareham Board of Health.
2. The Board of Health or its agent shall inspect each bed and breakfast prior to issuing or reissuing a license. Such inspections shall be made in accordance with applicable State Sanitary Code Regulations pertaining to sanitation and public safety, as defined in 105 CMR 410.000, State Housing Code, the Federal Food Code and other applicable law.
3. Said license shall expire on December 31 in the year of issue and a renewal fee shall be \$125.00 plus \$15.00 per room.
4. Every person who owns, manages or operates a bed and breakfast shall maintain an up-to-date guest register containing guest's name, permanent residence address, date of registration, and duration of stay. Such register shall be made available for inspection to the Board of Health, its agent, or a police officer.

5. The owner or operator of any bed and breakfast shall provide to each unit an adequate water supply and sewage facilities.
6. The owner or operator of any bed and breakfast shall provide for the occupants, adequate rubbish barrels and facilities for garbage disposal and shall maintain the premises in a sanitary condition, free of debris, glass, litter, etc.
7. The Board of Health, in each instance after a hearing, notice of which shall be sent to the licensee by first class mail and published once in a newspaper published or circulated in the Town of Wareham, may grant, or may suspend or revoke any license issued to a hotel, for violation of these regulations or applicable provision of the State Sanitary Code. Any license suspended or revoked may be re-issued by the Board of Health upon satisfactory evidence that the violation(s) is (are) corrected.
8. Violations for these regulations shall be punishable by a fine of \$100.00 per offense. Each day of violation shall be considered a separate offense.

ONLINE HOME RENTAL SERVICE

Definition:

1. **Online Home Rental Service:** A private home whose owners' lease/rent space to others via the Internet and/or social media.

Licenses:

1. No person (individual, partnership, corporation, firm, association, trust or group, owning property or carrying on an activity regulated by these regulations) shall conduct, control, manage or operate directly or indirectly, any home rental operation unless that person is the holder of a license granted and issued by the Wareham Board of Health.
2. The Board of Health or its agent shall inspect each property prior to issuing or reissuing a license. Such inspections shall be made in accordance with applicable State Sanitary Code Regulations pertaining to sanitation and public safety, as defined in 105 CMR 410.000, State Housing Code and other applicable law.
3. Said license shall expire on December 31 in the year of issue and a renewal fee shall be \$100.00 plus \$10.00 per room.
4. Owners of properties rented via the internet and similar sources like Air BnB, are required to occupy the property as their primary residence, if not, they must apply to the Board of Health rental registration program.

5. Guests are not permitted to stay in detached accessory buildings.
6. All building codes and regulation requirements must be met.
7. The permit does not authorize the home to be used for any other commercial use such as parties, banquets, weddings, meetings, charitable fund raising, commercial or advertising activities or any other gatherings for direct or indirect compensation.

FEES

Hotel/Motel.....\$225.00 + \$20.00 each room

Lodging House.....\$125.00 + \$15.00 each room

Bed and Breakfast.....\$100.00 + \$10.00 each room

Internet Bed and Breakfast.....\$100.00 + \$10.00 each room

FINES

UNLESS OTHERWISE SPECIFIED IN THE REGULATIONS, ANY VIOLATION OF THESE REGULATIONS SHALL BE PUNISHABLE BY A FINE OF \$100.00 PER OFFENSE. EACH DAY OF VIOLATION SHALL BE CONSIDERED TO BE A SEPARATE OFFENSE.