



TOWN OF WEST SPRINGFIELD

**BOARD OF HEALTH**

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**BOARD OF HEALTH ORDER  
Adoption of Hotel/Motel Regulations**

**ORDERED** that, pursuant to Massachusetts General Laws Chapter 111, Section 31, the West Springfield Board of Health hereby adopts the attached Hotel Motel Regulations.


Per order of the West Springfield Board of Health, approved on the 29 day of August, 2018 by a vote of 2 in favor and 0 opposed.

  
\_\_\_\_\_  
David Higgins, Board of Health President

8/29/18  
\_\_\_\_\_  
Date

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TOWN CLERK'S OFFICE  
WEST SPRINGFIELD

Pursuant to Executive Order No. 104, I hereby approve the Board of Health's acceptance of the above.

  
\_\_\_\_\_  
Mayor William C. Reichert

9/7/18  
\_\_\_\_\_  
Date

**TOWN OF WEST SPRINGFIELD  
BOARD OF HEALTH**

**REGULATIONS FOR HOTEL/MOTELS**

**I. Definitions**

- A. Board** – The Board of Health of the Town of West Springfield or its designee.
- B. Hotel or Motel** – Any building or portion thereof, or group of buildings used to provide sleeping accommodations to transient persons, whether or not food is available, but excluding private clubs.
- C. Licensee** – The license applicant as listed on the Application, and any duly authorized manager, agent or employee.

**II. Hotel/Motel Operation License Requirements**

- A. License Required.** Prior to operating a hotel/motel in the Town of West Springfield, an operator or owner of such hotel/motel must secure a Hotel/Motel Operation License from the Board of Health pursuant to M.G.L. c. 140, § 32B and these regulations, in addition to any other license required by applicable state or local ordinance or regulation. All operating hotel/motels in the Town of West Springfield as of the effective date of the promulgation of these regulations shall be required to secure a Hotel/Motel Operation License on or before January 1, 2019.
- B. Application.** Applications for a Hotel/Motel Operation License shall be made in writing, on Town approved forms, to the Board of Health, and shall provide, under oath, such information as the Board of Health may require, including, but not limited to, the following:
  - i. The name and address of the applicant, if an individual; or if a corporation, the name, date of incorporation, address of its principal place of business and the name and address of its officers; or if a partnership, association, or unincorporated company, the name and addresses of the partners or associates and the address of its principal place of business; and, if a foreign corporation, partnership or unincorporated company, the name and address of an agent for service of process;
  - ii. The intended place of business within the Town of West Springfield;
  - iii. The name and residential address of the duly authorized manager; and
  - iv. A telephone number where the manager or the manager’s designee may be contacted 24 hours per day.
- C. Grant or Denial.**
  - i. The Board, in determining whether to issue or reissue a license, may consider: public demand for the hotel/motel; the suitability of the applicant; and any and all other relevant facts and circumstances, including the prior operation of a

hotel/motel or other business in the Town and any complaints made to any department, officer or employee of the Town with regard thereto.

- ii. The Board of Health may issue or reissue a license to operate a hotel or motel only if it finds:
  - a. That accommodations meet the minimum standards for human habitability, as contained in Chapter 2 of the State Sanitary Code;
  - b. That the rules and regulations for rental are reasonably designed to protect the health, safety, welfare and peaceful quiet enjoyment of renters and the surrounding area;
  - c. That the premises are equipped with an operational video surveillance and recording system deployed to the satisfaction of the Police Department so as to make visible all interior common areas, including but not limited to lobbies, stairwells, hallways, and elevators and all exterior grounds, walkways, parking areas and public sidewalks surrounding the premises;
  - d. For re-issuance of a license, that a register of renters is kept in accordance with the provisions of M.G.L. c. 140, §27 and these regulations;
  - e. For re-issuance of a license, that the hotel or motel has, during the preceding twelve (12) months, substantially complied with the Minimum Standards of Operations contained in this ordinance.
- iii. The Board of Health shall, within thirty (30) days from the date of receipt of application for issuance or reissuance of the license: (1) grant the license; (2) grant the license under such terms and conditions as it deems appropriate in the public interest; or (3) deny the license. This time period may be extended in the discretion of the Board of Health if the hotel/motel is under construction or renovation at the time the application is submitted.

**D. Change of Address.** Whenever the applicant or manager identified on the Application, changes his or her residential address or principal place of business, as appropriate, the Board shall be notified within three (3) days of such change.

**E. License to be Displayed.** A license granted under this section must be displayed in clear view of the public.

**F. License Period and Fee.** Any license issued pursuant to these regulations shall be valid from the date of issuance until December 31, unless sooner revoked or suspended. Such license shall be renewed for the next annual license period upon application by the holder during the month of November (i.e., no later than December 1), provided that said license covers the same licensed premises, unless there is cause for revocation, suspension or modification of the license pursuant to these Regulations. If the application is not timely filed, it shall be treated as an application for a new license.

**G. Transfer or Sale of License Prohibited.** No hotel/motel operation license shall be sold, assigned or transferred, and such sale, assignment or transfer shall automatically terminate said license.

#### **H. Management.**

- i. Each corporate licensee must appoint a manager who is duly authorized to act on behalf of the corporation. Such authorization must be in writing and must be submitted to the Board as part of the Application.
- ii. The responsibilities of every license holder and manager shall be as follows:
  - a. To obey these regulations and all state and local laws and regulations;
  - b. To promptly notify the police of any disturbances or illegal activity on the licenses premises of which the manager becomes aware;
  - c. To cooperate fully with authorized agents of the Town, including but not necessarily limited to: any agent of the Board of Health, any agent of the West Springfield Police Department, any agent of the West Springfield Fire Department, or the Mayor or his/her designee, in the event of an investigation or inspection of the licenses premises.
- iii. Any such notice sent to the manager as named in the records of the Board or the owner at the address of the licensed premises shall constitute valid legal notice to the licensee.

#### **I. Physical Premises.**

- i. All premises covered by the license shall be kept in a clean and sanitary condition.
- ii. No outside area shall be used as a gathering place for patrons unless approved by the Board.
- iii. The premises shall be lighted in all public areas in a manner sufficient for the safety of the patrons and visitors.
- iv. The interior of the premises shall be sufficiently lighted at all times and all exits shall be properly designated by lighted signs, "Exit" as same may be mandated by the Building Commissioner of the Town of West Springfield or by the Fire Department of the Town of West Springfield.

#### **J. Minimum Standards of Operation.** The owner or operator of a hotel or motel shall comply with the following minimum standards of operation:

- i. No person shall be allowed to rent accommodations without providing suitable identification at the time of registration, a copy of which shall be retained with the record of registration. As used herein, suitable identification shall mean a government issued photo identification card such as a driver's license.
- ii. The true name of all persons occupying rented accommodations shall be listed on the register at the time of registration. Any person who remains in a room after midnight (12:00 a.m.) shall be presumed to be an occupant.
- iii. The owner or operator of a hotel or motel shall immediately, upon notice that a registration was incomplete or inaccurate, terminate the rental agreement and evict from the premises all persons occupying the room for which such incomplete or inaccurate registration was provided.
- iv. No owner or operator of a hotel or motel shall knowingly permit the premises to be used for any illegal purpose, including but not limited to those purposes outlined in M.G.L. c. 140, § 26. A licensee shall make all reasonable and diligent efforts to ensure that illegal activities do not occur at the licensed premises. Such efforts shall include:

- a. Frequent monitoring of restrooms and other nonpublic areas of the premises for signs of drug activity or other illegalities;
  - b. Calling promptly for police assistance as necessary to protect patrons against injury or to evict unruly patrons or to uncover unlawful conduct or to give medical assistance and providing police with requested information;
  - c. Hiring security personnel to deal with chronic unlawful activity at the premises, such as prostitution or gambling or larceny from patrons or assaults and batteries or other problems associated with the premises.
- v. No owner or operator of a hotel or motel shall allow occupancy by any person if he knows or has reason to know that the person has engaged in illegal activity during a past period of occupancy on the premises. For purpose of this section, notification from the police department that an arrest for illegal activity has been made during a period of occupancy shall create a presumption that illegal activity has occurred; provided that said presumption may be refuted by evidence that charges were subsequently dismissed.
  - vi. The owner or operator of a hotel or motel shall take all steps reasonable and necessary to ensure that video surveillance and recording equipment is in good working order at all times.
  - vii. Video surveillance records shall be retained a minimum of thirty (30) days from the day of creation;
  - viii. The owner or operator of a hotel or motel shall, upon request, provide access to registration information and video surveillance recordings to any authorized agent of the Town of West Springfield.
  - ix. No owner or operator of a hotel or motel shall allow or permit renters or occupants to create a public nuisance on the premises.
  - x. It shall be the obligation of the licensee to ensure that a high degree of supervision is exercised over the conduct of the licensed establishment at all times. Each licensee shall be accountable for all violations that are related to the licensed premises to determine whether or not the licensee acted properly in the given circumstances.
  - xi. A licensee shall act reasonably and diligently to disperse loiterers or patrons who attempt to congregate in front of or at the licensed premises in an unauthorized manner. Action to be taken by the licensee shall include, but not be limited to:
    - a. Maintaining the front door in a closed position;
    - b. Asking loiterers to disperse;
    - c. Promptly notifying the police if loiterers refuse to disperse;
    - d. Hiring a security guard or stationing a security employee as needed to disperse loiterers if there is a persistent problem.

### III. PENALTIES/ENFORCEMENT

- A. **Causes for Revocation, Suspension, and Modification of License.** Any license issued pursuant to these Regulations may be modified, suspended, or revoked for any of the following causes:

- i. Violation by the licensee of any provision of these Regulations, or any other relevant state or local ordinance or regulation, or if the public health and safety so requires;
- ii. Fraud, misrepresentation, false material statement, concealment or suppression of facts by the licensee in connection with an application for a license or for renewal thereof;
- iii. Operation of the premises covered by the license without prior approval of the Board;
- iv. Failure to comply with any condition, stipulation or agreement upon which any license was issued or renewed by the Board or upon which any application or petition relating to the premises was granted by the Board. It shall be the duty of the licensee to ensure that all appropriate personnel at the licensed premises are familiar with these Regulations and with any conditions on the license.
- v. Refusal by any licensee and, if a corporation, by a manager, officer, or director thereof to appear at an inquiry or hearing held by the Board with respect to any application or matter bearing upon the conduct of the licensed business or bearing upon the character and fitness of such person to continue to hold a license.

**B. Enforcement.**

- i. Suspensions or Revocations. Licensees in violation of these Regulations or any other relevant state or local law or regulation may be subject to the following enforcement actions:
  - a. First offense: warning to seven (7) day suspension of license to operate.
  - b. Second offense: warning to thirty (30) day suspension of license to operate.
  - c. Third offense: warning to revocation of license to operate.
- ii. Non-Criminal Disposition. The provisions of these Regulations may also be enforced through any other lawful means in law or in equity by the Board of Health or the Mayor or their duly authorized agents, or any police officer of the Town of West Springfield, and by any available means in law or equity, including but not limited to enforcement by noncriminal disposition and Section 7-100 of the Ordinances of the Town of West Springfield. Each day a violation exists shall constitute separate violation. When enforced through noncriminal disposition, the penalties shall be as follows:
  - a. Twenty-Five Dollars (\$25.00) for the first offense;
  - b. One Hundred Dollars (\$100.00) for the second offense;
  - c. Three Hundred Dollars (\$300.00) for the third and all subsequent offenses.
- iii. Only offenses which have occurred within the two (2) years preceding the date of violation shall be used in calculating the number of offenses for purposes of this section.
- iv. The Board may use its discretion in determining whether the facts surrounding an offense warrant a penalty which is more lenient or severe than that suggested in subsection (i), and the provisions of subsection (i) shall not be construed so as to limit the Board's authority to consider alternative dispositions, or further conditions on a license, or alternate penalties.

**C. Service of Suspension Orders**

- i. When the Board suspends the license or licenses of any licensee, it shall provide the licensee with written notice thereof, which shall include an order of suspension for public display that must contain the words, “No Service - Operation License suspended per order of the Board of Health of the Town of West Springfield.” Such order shall be publicly displayed by the licensee in the following manner: if there is a door opening from the street into the licensed premises and a window facing the street upon which such door opens, such order shall be displayed in such window so that it may readily be seen by the general public; if the licensed premises are otherwise located, such order shall be affixed to the door of the entrance to the premises and displayed in such a way that it may be readily seen by the general public.
- ii. Suspension orders of the Board, as above, shall remain affixed throughout the entire period of suspension. The removal, covering, defacement, or obliteration of the order of suspension or the failure to maintain the order of suspension in the manner and place required prior to the expiration of the suspension period shall be deemed the act of the licensee and shall be cause for further suspension, modification or revocation of the license.

**D. License Holder’s Right of Appeal**

- i. A license holder may appeal a decision of the Board to suspend or operate a license pursuant to G.L. c.249, §4.
- ii. A license holder may appeal a non-criminal disposition pursuant to G.L. c. 40, §21D.