



POLICY No.: D-4
DATE ADOPTED: JULY 1, 2004

TOWN OF WEST BOYLSTON BOARD OF SELECTMEN POLICY

Policy and Regulations for Motel Operation Permits

Purpose: The Board of Selectmen agrees to establish standards and guidelines for the issuance of Motel Operation Permits in West Boylston

Policy:

ARTICLE I: DEFINITIONS

Board - The Board of Selectmen of the Town of West Boylston or its designee.

Motel - Any building or portion thereof, other than a hotel or lodging house, in which persons are lodged for hire with or without meals and which is licensed or required to be licensed under the provisions of section thirty-two B of chapter one hundred and forty, but excluding private clubs.

ARTICLE II: MOTEL OPERATION PERMIT

Section 1. Permit Required

Prior to operating a motel in the Town of West Boylston, an operator or owner of such motel must secure a motel operation permit from the Board of Selectmen in addition to any other permit or license as required by applicable state or local law or regulation. All operating motels in the Town of West Boylston as of the effective date of the promulgation of these regulations shall be required to secure a Motel Operation Permit on or before January 1, 2005.

Section 2. Application

Applications for a motel operation permit shall be made in writing, on Town approved forms, to the Board of Selectmen, and shall provide, under oath, such information as the Board of Selectmen may require, including, but not limited to, the following:

- a. 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;
- b. The intended place of business within the Town of West Boylston;

- c. The name and residential address of the manager; and
- d. A telephone number where the manager or the manager's designee may be contacted 24 hours per day.

Section 3. Grant or Denial

The Board, in determining whether to issue a permit, may consider: public demand for the motel; the suitability of the applicant; and any and all other relevant facts and circumstances, including the prior operation of a motel or other business in the Town and any complaints made to any department, officer or employee of the Town with regard thereto.

The Board of Selectmen shall, within 21 days from the date of receipt of application: (1) grant the permit; (2) grant the permit under such terms and conditions as it deems appropriate in the public interest; or (3) deny the permit.

Section 4. Change of Address

Whenever the applicant, as set forth in Section 2(a), or the manager, as set forth in Section 2(c) changes his or her residential address or principal place of business, as appropriate, the Board shall be notified within three days of such change.

Section 5. Permit to be Displayed

A permit granted under this section must be displayed in clear view of the public.

Section 6. Permit Period and Fee

Such permit shall be valid from the date of issuance until December 31, unless sooner revoked or suspended. The annual fee for a motel operation permit or renewal of same shall be fifty dollars (\$50.00). Such permit shall be automatically renewed for the next annual permit period upon application by the holder during the month of November provided that said permit covers the same licensed premises unless cause is shown. If the application is not timely filed, it shall be treated as an application for a new permit.

Section 7. Transfer or Sale of Permit Prohibited

No motel operation permit shall be sold, assigned or transferred, and such sale, assignment or transfer shall automatically terminate said permit.

Section 8. Physical Premises

- a. All premises covered by the license shall be kept in a clean and sanitary condition.
- b. No outside area shall be used as a gathering place for patrons unless approved by the Board.
- c. The premises shall be lighted in all public areas in a manner sufficient for the safety of the patrons and visitors.
- d. 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 Boylston or

by the Fire Department of the Town of West Boylston.

Section 9. Management

- a. Each corporate permittee must appoint a manager by a properly authorized and executed delegation.
- b. The responsibilities of every license holder and manager shall be as follows:
 - (1) To obey these regulations and all state and local laws and regulations;
 - (2) To promptly notify the police of any disturbances or illegal activity on the licenses premises of which the manager becomes aware;
 - (3) To cooperate fully with authorized agents of the Board, including but not necessarily limited to, any police officer of the Town of West Boylston, the Town Administrator or the Administrator's agent, in the event of an investigation or inspection of the licenses premises.
- c. 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 permittee.

Section 10. Environs of Licensed Premises

- a. It shall be the obligation of the permittee to ensure that a high degree of supervision is exercised over the conduct of the licensed establishment at all times. Each permittee shall be accountable for all violations that are related to the licensed premises to determine whether or not the permittee acted properly in the given circumstances.
- b. A permittee 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. Failure of the permittee to keep such persons from congregating at the licensed premises may lead to disciplinary action against the permittee for allowing a public nuisance. Action to be taken by the permittee shall include: (1) maintaining the front door in a closed position; (2) asking loiterers to disperse; (3) promptly notifying the police if loiterers refuse to disperse; (4) hiring a security guard or stationing a security employee as needed to disperse loiterers if there is a persistent problem.
- c. When any noise, disturbance, misconduct, disorder, act or activity occurs in the licensed premises, or in the area in front of or adjacent to the licensed premises, or in any parking lot provided by the permittee for the use of its patrons, which in the judgment of the Board adversely affects the protection, health, welfare, safety or repose of the residents of the area in which the licensed premises are located, or results in the licensed premises becoming the focal point for police attention, the permittee shall be held in violation of the license and subject to proceedings for suspension, revocation or modification of the license.

Section 11. Illegal Activity on the Licensed Premises

- a. A permittee shall make all reasonable and diligent efforts to ensure that illegal activities do not occur at the licensed premises. Such efforts shall include:
 - (1) Frequent monitoring of restrooms and other nonpublic areas of the premises for signs of drug activity or other illegalities;
 - (2) Paying attention to activities on the premises of known drug users or drug dealers or prostitutes or others who are known to have been convicted of crimes which may be conducted at the permitted

premises;

- (3) 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;
- (4) 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.

b. There shall be no disorder, prostitution, illegal gambling, illegal drug use or sales or possession, or other illegal activity on the licensed premises or any premises connected therewith.

Section 12. Other Causes for Revocation, Suspension, and Modification

a. Any permit issued pursuant to these Regulations may be modified, suspended, or revoked for any of the following causes:

1. Violation by the permittee of any provision of these Regulations, or any other relevant state or local law or regulation, or if the public health and safety so requires;
2. Fraud, misrepresentation, false material statement, concealment or suppression of facts by the permittee in connection with an application for a permit or for renewal thereof ;
3. Operation of the premises covered by the permit without prior approval of the Board;
4. Failure to comply with any condition, stipulation or agreement upon which any permit 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 permittee to ensure that all appropriate personnel at the licensed premises are familiar with these Regulations and with any conditions on the permit.
5. Refusal by any permittee 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.

Section 13. Enforcement

a. Suspensions or Revocations

1. Permittees in violation of these Regulations or any other relevant state or local law or regulation may be subject to the following enforcement actions:
 - i. First offense: warning to seven day suspension.
 - ii. Second offense: warning to thirty day suspension.
 - iii. Third offense: warning to revocation.
2. Only offenses which have occurred within the two years preceding the date of violation shall be used

in calculating the number of offenses for purposes of this section.

3. The Board may use its discretion in determining whether the facts surrounding a violation warrant a penalty which is more lenient or severe than that suggested in subsection (a), and the provisions of subsection (a) 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.

b. 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 Selectmen, the Town Administrator, or their duly authorized agents, or any police officer of the Town of West Boylston, and by any available means in law or equity, including but not limited to enforcement by noncriminal disposition pursuant to G.L. c. 40, §21D. Each day a violation exists shall constitute separate violation.

When enforced through noncriminal disposition, the penalties shall be as follows:

First violation:	\$100.00
Second violation:	\$200.00
Third and subsequent violations:	\$300.00

Section 14. Service of Suspension Orders

a. When the Board suspends the license or licenses of any permittee, it shall provide the permittee with written notice thereof, which shall include an order of suspension for public display that must contain the words, "No Service - Operation Permit suspended per order of the Board of Selectmen of the Town of West Boylston." Such order shall be publicly displayed by the permittee 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 from the street. 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 from the street.

b. 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 permittee and shall be cause for further suspension, modification or revocation of the license.

Section 17. Permit Holder's Right of Appeal

A permit holder may appeal a decision of the Board pursuant to G.L. c.249, §4.