



**TOWN OF LANCASTER, MASSACHUSETTS
SELECT BOARD**

Prescott Building, 701 Main Street, Suite 1
Lancaster, MA 01523-0293
Tel: 978-365-3326 Fax: 978-368-8486

Annual License Fee - \$100.00

SELECT BOARD'S OFFICE
Date Received

**APPLICATION FOR LICENSE
BOARDING, DORMITORY, FRATERNITY,
SORORITY OR LODGING HOUSE**

New Application ____ Renewal ____

1. Name of Organization/Applicant: _____
2. Mailing Address of Organization/Applicant: _____
3. Street Address of Facility: _____
4. Contact Person (*Officer, Manager, Other*): _____
5. Telephone Number: _____ E-mail Address: _____
6. Describe premises (# of rooms, capacity, etc.): _____

7. Describe Specific Use of Facility: _____

Attach the following information to the completed application form:

- ☐ **Building floor plan** showing all bedrooms, dining rooms, common areas, entrances, exits, and other relevant information. Six (6) copies shall be reduced to either 8½" x 11", or if applicable, 11" x 17".
- ☐ **Site Plan** (scaled 1" = 40 ft.) showing all available parking, driveways, lighting, and location of trash containers. Six (6) copies shall be reduced to either 8½" x 11", or if applicable, 11" x 17".
- ☐ **Zoning Opinion** from the Building Commissioner.
- ☐ Planning Board and/or Board of Appeals Decisions (*if applicable*).

The applicant certifies that all state tax returns have been filed and all state and local taxes have been paid as required by law and further agrees to comply with the terms of the License and applicable law, and all rules and regulations promulgated thereto. The Applicant further certifies that the information contained in this application is true and accurate and also authorizes the Licensing Authority or its agents to conduct whatever investigation is necessary to verify the information contained in this application.

Signature of Applicant

Date

Tax ID # _____

License Fee must be submitted with this form. Make check payable to *Town of Lancaster*. Mail Application Form, Workers' Compensation Affidavit and check to: *Select Board, 701 Main Street, Suite 1, Lancaster, MA 01523*.

NOTICE: The filing of this application confers no rights on the part of the Applicant to undertake any activities until the license has been granted. The issuance of a license under this section or sections is subject to the Applicant's compliance with all other applicable Federal, State or local statutes, ordinances, bylaws, rules or regulations. The Licensing Authority reserves the right to request any additional information it reasonably deems appropriate for the purpose of determining the terms and conditions of the License and its decision to issue a License. The provisions of G.L. c. 152 may require the filing of a Workers' Compensation Insurance Affidavit with this application. Failure to file the Affidavit, along with any other required information and/or documentation, shall be sufficient cause for the denial of the License application.

**MASSACHUSETTS GENERAL LAWS ANNOTATED
PART I. ADMINISTRATION OF THE GOVERNMENT
TITLE XX. PUBLIC SAFETY AND GOOD ORDER
CHAPTER 140. LICENSES
LODGING HOUSES**

Current through Ch. 11 of the 2003 1st Annual Sess.

§ 4. Contents generally; coverage; term - (Referenced under Section 23).

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.

§ 22. Definition

"Lodging house", as used in sections twenty-two to thirty-one, inclusive, 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 include fraternity houses and dormitories of educational institutions, but 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.

§ 22A. Cooking facilities

Notwithstanding any provision of law or any regulation, ordinance or by-law to the contrary, a lodging house where lodgings are let to more than five but less than twenty persons may furnish individual cooking facilities for the preparation, serving, eating and storage of food; provided that no such facility shall be furnished in a room having an area of less than one hundred fifty square feet. Such facilities shall, in a single room, consist of a gas or electric plate, a refrigerator and hot and cold running water and in a unit consisting of two adjoining rooms shall consist of a gas or electric range, a sink with hot and cold running water, a refrigerator and storage area for food. Any facilities furnished under this section shall comply with the building code applicable thereto. This section shall apply only to cities and towns which accept its provisions.

§ 22B. Microwave ovens

Notwithstanding the provision of law or any regulation, ordinance or by-law to the contrary, a lodging house may furnish individual microwave ovens.

§ 23. Term; fee

Licensing authorities may grant licenses for lodging houses which shall be for the period provided in section four, and shall charge for each license such fee as the council or selectmen may establish; otherwise, the same shall be granted without charge, but in no event shall any such fee be greater than fifty dollars.

§ 24. Unlicensed keepers; injunction

Whoever conducts a lodging house without a license shall be punished by a fine of not less than one hundred nor more than five hundred 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 any unlicensed lodging house and may make such other orders as the court may deem equitable to enforce the provisions of sections twenty-two to thirty-one, inclusive.

§ 25. Inspection of premises

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.

§ 26. Permitting immoral conduct; defense; evidence

Whoever, being licensed as a lodging house keeper under sections twenty-two to thirty-one, inclusive, or as an innholder, or, being licensed under sections thirty-two A to thirty-two E, inclusive, or being in actual charge, management or control of such lodging house,

inn or premises for which the license is issued, knowingly permits the property under his control to be used for the purpose of immoral solicitation, immoral bargaining or immoral conduct shall be punished by a fine of not less than five hundred nor more than one thousand dollars or by imprisonment for not less than six months nor more than one year, or both. Evidence that a room in a hotel or lodging house or that the premises licensed under sections thirty-two A to thirty-two E, inclusive, were not actually used for immoral conduct shall not prevent a conviction under this section of a person in actual charge, control or management of the hotel, lodging house or premises who permits the occupation of such a room or such premises knowing or having good reason to know that the person occupying such room or premises intends to use either for immoral solicitation, immoral bargaining or immoral conduct. If it is required that registers be kept, as provided in sections twenty-seven and twenty-eight, evidence that the person in actual charge, control or management of the hotel, lodging house or premises has knowingly permitted the occupation of a private room of less than four hundred square feet floor area or of premises, containing a bed or couch, by the same woman on different occasions within a period of thirty days with different men, or by the same man on different occasions within a period of thirty days with different women, shall be prima facie evidence of a violation of this section.

§ 27. Register; entry of names; condition precedent to occupancy; retention; inspection; penalty

Every innholder, and every lodging house keeper required so to do under section twenty-eight, and every person who shall conduct, control, manage or operate, directly or indirectly, any recreational camp, overnight camp or cabin, motel or manufactured housing community shall keep or cause to be kept, in permanent form, a register in which shall be recorded the true name or name in ordinary use and the residence of every person engaging or occupying a private room averaging less than four hundred square feet floor area, excepting a private dining room not containing a bed or couch, or opening into a room containing a bed or couch, for any period of the day or night in any part of the premises controlled by the licensee, together with a true and accurate record of the room assigned to such person and of the day and hour when such room is assigned. The entry of the names of the person engaging a room and of the occupants of said room shall be made by said person engaging said room or by an occupant thereof, except that when five or more members of a business, fraternal, or social group or other group having a common interest are engaging rooms, they may designate one person to make said entry on their behalf and prior to occupancy. Until the entry of such name and the record of the room has been made, such person shall not be allowed to occupy privately any room upon the licensed premises. Such register shall be retained by the holder of the license for a period of at least one year after the date of the last entry therein, and shall be open to the inspection of the licensing authorities, their agents and the police. Whoever violates any provision of this section shall be punished by a fine of not less than one hundred nor more than five hundred dollars or by imprisonment for not more than three months, or both.

§ 28. Register; order to keep

Every person conducting a lodging house shall within twenty-four hours after he is ordered to do so by the licensing authorities keep a register. The said authorities may issue such order at any time, and shall do so upon receipt of an affidavit of a commissioned officer of the United States army or navy or a police officer stating that the affiant knows or believes such lodging house is being used for immoral solicitation, immoral bargaining or immoral conduct.

§ 29. Register; true or used name; failure to register; penalty

No person shall write or cause to be written, or if in charge of a register knowingly permit to be written, in any register in any lodging house or hotel, recreational camp, overnight camp, cabin, motel or trailer camp, any other or different name or designation than the true name or name in ordinary use of the person registering or causing himself to be registered therein. No person occupying such room shall fail to register or fail to cause himself to be registered. Whoever violates any provision of this section shall be punished by a fine of not less than ten nor more than twenty-five dollars.

§ 30. Revocation and suspension of license; investigation; hearing; notice; appeal

A license issued under sections twenty-two to thirty-one, inclusive, or an innholder's license, shall be revoked if at any time the licensing authorities are satisfied that the licensee is unfit to hold the license. They may suspend and 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 days before the time therefor.

Any person aggrieved by a determination of a licensing authority pursuant to the provisions of this section or by the failure of a licensing authority to grant or act upon a renewal license shall have the right to appeal in accordance with the provisions of chapter thirty A to the housing court division of the trial court having jurisdiction in the city or town wherein the lodging premises are located or if there is no such housing court division having jurisdiction, the superior court division of the trial court.

§ 31. Posting of notice of statutes

All innholders, and all lodging house keepers who have been ordered to keep a register, shall post in a conspicuous place near the register a notice, to be furnished by the licensing authorities, containing the provisions of sections twenty-seven and twenty-nine relating to the entry of names and residences in the register, together with the penalty provided for their violation.