

**CITY OF SALEM
BOARD OF HEALTH REGULATION #29**

**RULES AND REGULATIONS RELATING TO HOTELS, MOTELS, OVERNIGHT CABINS, AND
MANUFACTURED HOUSING COMMUNITIES**

The effective date of this Regulation shall be January 1, 2008.

Section 1.0: Authority

The Board of Health, City of Salem, Massachusetts, acting under the authority of Chapter 111, Section 31 and Chapter 140, Sections 32A through 32S of the Massachusetts General Laws, has adopted the following Regulation # 29.

Section 2.0: Rationale

The City of Salem Board of Health is promulgating rules and regulations that provide minimum requirements to be met by any person, operating a hotel, motel, overnight cabin, or manufactured housing community, within the City of Salem. These requirements shall include, but not be limited to, general sanitation of the premises. These rules and regulations are necessary to protect the public's health by preventing diseases.

In addition, these rules and regulations shall establish procedures for permitting of hotels, motels, overnight cabins, and manufactured housing communities, for regular inspection of such premises, and for suspension or revocation of the permit of any such premises deemed in violation of: MGL Chapter 140, Sections 32A through 32S; MGL Chapter 111, Section 31, or the rules and regulations promulgated herein.

An annual, non-transferable permit fee of \$200.00, in accordance with Chapter 111, Section 31 and Chapter 40, Section 22F, shall be set by the Board of Health and shall be paid by any person or establishment permitted under this section.

Section 3.0: Definitions for the purpose of these regulations

- A. Approved means approved by the Salem Board of Health.
- B. Food means a raw, cooked, or processed edible substance, ice, or beverage, used or intended for use or for sale in whole or in part for human consumption.
- C. Hotel means an establishment that provides lodging and usually meals and other services for travelers and other paying guests
- D. Manufactured Housing Community means any lot or tract of land upon which three or more mobile or manufactured homes, occupied for dwelling purposes, are located including any buildings, structures, fixtures, and equipment used in connection with mobile or manufactured homes. This definition excludes property owned by the City of Salem.
- E. Motel means an establishment which provide sleeping accommodations for transient motorists and which is not licensed as an inn.
- F. Overnight Cabins means any place one or more overnight cabins are located, or any premises designed or intended for the purpose of supplying to the public a location for an overnight cabin. This definition excludes property owned by the City of Salem.
- G. Permit means the document issued by the Salem Board of Health that authorizes a person to operate a motel, overnight cabin, or manufactured housing community.

- H. Permit holder means the entity that is legally responsible for the operation of the motel, overnight cabin, or manufactured housing community, such as the owner, the owner's agent, corporation president, or other person.
- I. Person means an association, a corporation, individual, partnership, or other legal entity.
- J. Premises means the physical facility, its contents, the contiguous land or property under control of the permit holder including any buildings or parts of buildings.
- K. Refuse means solid waste not carried by water through the sewage system.

Section 4.0: General requirements for permitting a hotel, motel, overnight camp, or manufactured housing community:

Every establishment operating as a hotel, motel, overnight cabin, or manufactured housing community shall meet the following requirements:

- A. Applicant must submit to the Salem Board of Health a completed application form containing all information therein requested. False statements in said application shall be grounds for denial of a permit request.
- B. The applicant must indicate an approved source of water and a connection to the municipal septic system or a septic system in compliance with Title 5.
- C. Every permitted establishment shall notify the Salem Board of Health prior to any change of name, address, or ownership, or prior to any physical alteration or renovation of the establishment.
- D. No permitted establishment shall operate under any name or designation not specified on the permit.
- E. Every permitted establishment shall comply with any and all additional laws, regulations, or codes that may apply to the hotel, motel, overnight cabin, or manufactured housing community.
- F. Every permitted establishment shall allow the Salem Board of Health or Police Department to inspect such establishment at any time to the maximum extent allowed by law.
- G. If food is served, the establishment must be in compliance with Article X of the "State Sanitary Code."
- H. The premises regulated by this regulation shall be maintained in a clean and sanitary manner.
- I. Animals allowed on the premises shall be kept in a clean, sanitary and humane manner.
- J. Refuse shall be disposed of in an approved manner.
- K. The establishment permit and this regulation shall be displayed in a prominent location within the permitted establishment.
- L. All areas of the establishment, including the furniture and equipment, shall be kept in a sanitary condition at all times. This shall include the regular application of sanitizing cleansers and antibacterial agents.

Section 5.0: Board of Health employment of outside consultants

In accordance with Massachusetts General Law, Chapter 44, Section 53G, the Board of Health will impose a reasonable fee for the employment of outside consultants if, in its opinion, additional expertise is required to determine compliance with this regulation. The Permit Holder may appeal the selection of the outside consultant to the City Council as described in the Law.

Section 6.0: Denial of application for permit or renewal

Any person or establishment, whose application for a permit or permit renewal is denied, may within ten days of said denial, request in writing a hearing upon the cause or causes of denial. The Board of Health may set a time and place for said hearing within a reasonable time not to exceed 14 days.

Section 7.0 Suspension/revocation of permit

- A. No permit granted under these regulations may be suspended or revoked without a hearing, except that the Health Agent may suspend a permit for flagrant violation of these regulations or under emergency circumstances as determined by the Health Agent. In the event that the Health Agent shall suspend any permit as herein provided, the permit holder shall be entitled to have such suspension reviewed by the Board of Health at its next regularly scheduled meeting or within 14 days of receipt of hearing request, whichever is sooner, but no later than 14 days following the request.
- B. Such permits may be suspended or revoked if, after a hearing, the Salem Board of Health finds that the permit holder has:
 - 1) Made a material false statement on the application form;
 - 2) Violated or allowed a violation of any of the these regulations or any conditions of the permit; or
 - 3) Violated or allowed a violation of any law of the Commonwealth.

Section 8.0: Penalties

Whoever violates any provisions of these rules and regulations shall be punished by a fine of not more than \$1000.00, in accordance with Mass General Laws, Chapter 111, Section 31. Each day that these violations exist shall constitute a separate violation.

Orders may be enforced by application to the Superior Court or the Massachusetts Supreme Court, in accordance with Mass General Laws, Chapter 111, Section 187 and Section 189.

Section 9.0: Severability

If any section, subsection, sentence, clause, phrase, or portion of these regulations is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provisions and such holdings shall not affect the validity of the remaining portions thereof.

City of Salem
Board of Health
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Salem, MA 01970

Joanne Scott, Health Agent
Christina Harrington, Chair
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A summary of this regulation was published in the Salem Evening News on October 22, 2007.

After a vote of the Board on October 9, 2007 with 5 affirmative, 0 negative, 1 abstaining, the Chair abstaining according to custom except to break a tie, the following signature is authorized.

Christina Harrington, Chair

JS: MOTEL REGS AUGUST 2007-2.RTF