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CHAPTER 818
Hotel, Motel, and Tourist Home
Frequently Asked Questions

On September 15, the Battle Creek City Commission introduced a new proposed ordinance to regulate Hotels, motels and tourist homes in the City of Battle Creek. The State of Michigan currently provides little regulatory oversight of facilities that provide overnight accommodations. With this local ordinance the City can ensure that that local hotels/motels and tourist homes meet minimum housing standards and that all guests have a safe and pleasant experience in Battle Creek. The City Commission will consider final adoption of the new ordinance at its regularly scheduled meeting on October 6 at 7:00pm via Zoom. If approved, the ordinance will go into effect ten days after the date of approval.

What is the purpose of the ordinance?

Section 818.02

A: The purpose of the ordinance is to protect the health, safety, and welfare of guest staying in hotels/motels or tourist homes in Battle Creek. By regulating these rental accommodations, the City can ensure that all facilities meet minimum housing standards for transient guests and that no hotel/motel or tourist homes serves as a public nuisance due to substandard conditions or by allowing unlawful behavior at their premises.

Are all hotels, motels, and tourist homes subject to the Ordinance?

Section 818.04(a)

A: Yes, all hotels/motels, and tourist homes within the corporate limits or the City of Battle Creek are subject to the Ordinance. (Already existing hotels/motels and tourist homes would be permitted to continue operating without a Permit for up to 120 days after the Ordinance is adopted to allow time to apply and for consideration of the application. 818.04(c))

What is a tourist home?

Section 818.03(i)

A: A tourist home is a building containing dwelling units (a bed and a bathroom) or rooms, which provides accommodations for transient persons. This includes any building or structure kept, used, or maintained, as or advertised or held out to the public to be for rent, whether with or without meals. This includes listings on sites such as Airbnb.

What are the requirements of the Ordinance?

Section 818.04

A: All hotels/motels, and tourist homes (existing and new) are now required to obtain a permit from the City of Battle Creek and will be subject to periodic inspections by City code and fire officials.

What is the cost of the permit and how long is it good for?

Section 818.05

A: Although the fee has not yet been established by the City Commission as part of the City's Fee, Bond and Insurance Schedule, it is anticipated that the cost of a permit will be approximately \$200 per lodging facility plus a \$15 inspection fee for each unit inspected (typically 25% of the total number of rooms for facilities with more than 50 rooms and 100% of rooms for those with 50 or less). Additional fees may be charged for facilities with a pool or when additional inspections are required to address violations, for required re-inspections or for auditing compliance.

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What happens when a Hotels, Motels, or Tourist Home fails to secure a permit?

Section 818.06

A: Hotel/motel or tourist homes that fails to secure a permit may be ordered to vacate their properties. Orders to vacate may be held in abeyance for up to 45 days if there are no conditions on the property posing a hazard to life, limb, property or safety of the occupants or the public. Owners may not charge for rent when there is no current, valid permit. (Note that there is an initial 120 “grace period” after the ordinance is adopted to apply for and obtain a Permit.)

How do hotel, motel and tourist home owners secure a permit?

Section 818.07

A: Owners will be required to secure a permit by making application to the City Clerk’s office. The application will include basic information about the business and will be accompanied by any recommendation(s) provided by a City department, office, board, or employee, on granting or denial of the Permit and the basis for the recommendation.

Can a permit request be denied?

Section 818.09

A: A permit applications (including an initial or renewal) can be denied for various reasons including incomplete or misleading information, past criminal activity, arrearages to the City or for Code issues including failure to meet accessibility requirements. An applicant may also be denied a permit under certain conditions based on various factors, including but not limited to: certain code violations that remain unresolved for at least six months; for unpaid taxes; hindering or preventing required inspections; and calls for service to the Police Department and Police generated enforcement action.

What recourse does an owner have if a permit is denied?

Section 818.12

In the case of an application denial, upon notification from the City, the owner has the right to a hearing before either the Board of Appeals, or the Battle Creek City Commission, depending upon the basis for the denial. In the case of a suspension, revocation or nonrenewal, the owner will be notified of a hearing date and must notify the City at least three days prior to the hearing date if they intend to contest the denial and to provide the names of witnesses known at that time who will testify on their behalf. An owner may appeal any decision of the City to the Calhoun County Circuit Court.

A Permit may be temporarily suspended without hearing by the City if there is any violation of health, safety or welfare of occupants and/or the public.

What inspections will be required to secure a permit?

Section 818.08

A: Whether submitting an initial permit application or a renewal, the Hotel, Motel or Tourist Home will be subject to inspections by the City’s code and fire officials including building, plumbing, heating and electric. Additional inspection may be required when there is a violation or a re-inspection is required.

Will all rooms be inspected?

Section 818.08(d)

For properties having more than fifty units, a minimum of twenty five percent (25%) of the units contained in those properties will be randomly selected and inspected. The number of units inspected may increase if code officials find significant code violations.

As an owner, am I required to allow code officials to inspect?

Section 818.08(g)

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A: The owner retains the right to decline to consent to inspections. The City, however, may issue a permit absent an inspection on a conditional basis, subject to inspection of the proposed structure, accommodations, or unit pursuant to an administrative subpoena or an administrative search warrant.

Can my permit be revoked based on the behavior of guests?

Section 818.18(c)

A: The ordinance states that calls to police by owners for guest conduct that is in violation of the law will not be counted in the calls-for-service ratio if they notify the police of the conduct and immediately terminate the rental. The same applies for employees if they notify the owner or the police.

However, owners do have a responsibility to set and enforce rules, including rules that govern guest conduct. Whether or not a permit holder is aware of the activities of their guests, they can still be responsible for maintaining a public nuisance as defined in the ordinance which may result in a revocation of the permit.

Am I allowed to ban certain individuals from my accommodations?

Section 818.15(J)

A: Yes, so long as it is not based upon discriminatory intent. Under the ordinance, owners are required to maintain a list of guests to whom they will not provide an accommodation and/or who has been banned from premises for a period of 90-days following the ban.

How long are guests allowed to stay in a hotel, motel or tourist home? Section 818.16

A: There is no limit to the length of time a guest may stay in a hotel/motel or tourist home if the accommodation meets minimum housing standards including a kitchenette. In the absence of a Kitchenette, long-term stays (stays lasting more than 28 days within a 90 consecutive day period) are prohibited unless the owner has a written agreement with an employer or business requesting that an individual be permitted a corporate long-term stay.

Any room occupied in excess of 90 days will be considered a residence and open for inspection, as provided by law by the Police Department, Fire Department, Building Department and any other department of the City.

How many individuals are currently "living in Hotels or Motels?"

A: There is no way to know the number for sure since this data is not currently collected or required to be provided to the City. Additionally, it is likely this number across all hotels/motels varies from week to week. During a meeting with hotel/motel owners the question was asked, "How many units do you believe are being used as primary residents?" The consensus from is an estimate somewhere around 90.

Why are kitchenette amenities required for long term stay?

A: Property Maintenance Code - DEFINITION DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

SECTION 502 REQUIRED FACILITIES 502.1 Dwelling units. Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink that shall be maintained in a sanitary, safe working condition. Every occupied dwelling unit shall contain a stove, an oven and a refrigerator,

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maintained in good repair. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

What will happen to individuals who are living in hotels or motels as a long term stay?

A: The proposed ordinance regulates hotels and motels, and does not have provisions for the City to evict guests. All enforcement provisions are taken against the hotels/motels themselves. The City is always concerned with the unintended consequences of laws and ordinances, and that is true in this instance. The overriding intent is to better ensure that the hotels and motels are safe for the guests, which certainly includes children, and to reduce fire hazards. City staff have been taking all of these factors into consideration and consulting with service providers in an effort to find suitable housing alternatives to any hotel/motel guest that might be displaced because of the ordinance.

What are the penalties for non-compliance with the ordinance?

Section 818.99

A: Individuals who violate the ordinance are subject to a fine of up to \$500 or up to 90 days in jail. Any entity violating the ordinance is subject to a fine of up to \$500 or revocation procedures as provided for in the ordinance. Other municipal civil infractions may apply. The City may also take action in Circuit Court to have a problematic hotel declared a nuisance and seek to have it shut down.