

## **ORDINANCE NO. 746**

### **AN ORDINANCE TO REPEAL AND REPLACE CHAPTER VI OF ARTICLE II ENTITLED BED AND BREAKFAST OPERATIONS OF THE CITY OF PETOSKEY CODIFIED ORDINANCES**

**WHEREAS**, hotels and bed and breakfasts provide short-term places to stay for visitors who, in the case of an emergency, may be unfamiliar with the structures and methods of egress; and

**WHEREAS**, the impact of noise, improper trash disposal, and parking by hotel and bed and breakfast visitors impacts the residential character of surrounding neighborhoods; and

**NOW THEREFORE**, be it resolved that the City of Petoskey ordains:

- 1. Chapter 6 of Article II of the City of Petoskey Codified Ordinances shall be entitled “Hotels and Bed and Breakfast Operations”, and is hereby amended and replaced in its entirety as follows:**

#### **Sec. 6-1. Definition.**

It shall be unlawful for any person to operate a hotel or bed and breakfast, as defined in the Petoskey Zoning Ordinance, without first having obtained a license. For the purpose of this Chapter, every building or structure which is kept, used or maintained as an inn, hotel, bed and breakfast, motel or public lodging house where one or more rooms are made available to transients more than ten (10) days in any calendar year shall be deemed to be a public lodging house requiring a license in accordance with this Chapter.

#### **Sec. 6-2. Application and fees.**

The annual fees for a hotel and bed and breakfast license shall be established by the city council. Fees shall be payable for the whole or any part of a year and shall be paid at the city offices. Applicants for a license shall complete and submit an application form prepared by the City that illustrates that the proposed operation will comply with the city zoning ordinance as amended, and with the terms of this chapter and any other applicable city codes and ordinances. The applicant shall forward such other information referenced in the application as required by the City.

#### **Sec. 6-3. Hotel and Bed and Breakfast dwelling unit and site requirements.**

In addition to the other relevant conditions outlined in the City's Codified Ordinances, no premises shall be granted a license for a hotel or bed and breakfast operation unless following conditions are met:

- (a) Compliance with Chapter 13 Article II of the City of Petoskey Codified Ordinances, International Property Maintenance Code.*
- (b) Compliance with Chapter 10 Article I of the City of Petoskey Codified Ordinances, International Fire Code.*

- (c) For hotels without an operator onsite 24 hours per day 7 days per week an approved summary of the City's noise, parking and trash disposal regulations must be posted in a prominent location within the premises where they can be seen by guests.*

#### **Sec. 6-4. Bed and Breakfast requirements for operation.**

The dwelling unit in which the bed and breakfast is located shall be the principal residence of the operator, and said operator shall live on the premises when the bed and breakfast operation is active. Bed and breakfast operations shall be confined to the single-family dwelling unit which is the principal dwelling unit on the property. Parking provided for a bed and breakfast operation shall be in compliance with all city codes and ordinances pertaining to parking regulations. In addition, the bed and breakfast operation shall meet the following conditions:

- (a) *Limits in a single-family zone:* A bed and breakfast operation located in any single-family zoning district as defined and as geographically delineated in the Petoskey Zoning Ordinance, shall be limited to three sleeping rooms for use in the bed and breakfast operation.
- (b) *Guest register:* Every operator shall keep a list of the names of all persons staying at the bed and breakfast operation. The guest register shall be available for inspection by city officials at any time.
- (c) *Length of stay:* The maximum stay for any occupant of the bed and breakfast sleeping rooms shall be 14 days.
- (d) *Public nuisance:* Bed and breakfast operations shall not be permitted whenever the operation endangers, or offends or interferes with, the safety or rights of others so as to constitute a public nuisance.

#### **Sec. 6-5. Limits to proximity.**

No license shall be issued for a bed and breakfast operation at a dwelling unit located within 500 feet of an existing licensed bed and breakfast operation.

#### **Sec. 6-6. Authority for issuance and denial.**

The City of Petoskey shall issue a license for a hotel and bed and breakfast operation if the city finds that the applicant can meet all requirements of this chapter and of any other applicable local, state or federal regulation. If the city finds that an applicant cannot meet a particular requirement of these licensing requirements, then the city shall have the authority to deny the applicant a license. The denial may be appealed to the city council, which may then weight the facts of the case and make a final decision.

#### **Sec. 6-7. Notification and public comment period for initial license application.**

Upon receipt of a completed hotel and bed and breakfast license application, the city shall notify all property owners within 300 feet of the bed and breakfast operation's proposed location. The notice shall inform property owners of a 14-day period for comment to the city regarding the proposed operation.

(Ord. No. 602, 6-15-1987)

#### **Sec. 6-8. License renewal.**

The city may renew the license for any hotel and bed and breakfast operation provided that the licensed operation shall meet the following conditions:

- (a) *Annual inspection:* The hotel and bed and breakfast operation shall meet all conditions of this chapter as confirmed by an annual inspection of the premises by the city.
- (b) *Lapse of license:* The license for the hotel and bed and breakfast operation shall not have lapsed for more than 30 days beyond the December 31 annual expiration date.
- (c) *Lapse of operation:* The active operation of the bed and breakfast shall not have lapsed for more than nine months.

#### **Sec. 6-9. License transfer.**

A hotel and bed and breakfast license may be renewed only as provided in [section 6-8](#) of this chapter. Such license shall not be transferable to any property other than the property for which it was approved.

#### **Sec. 6-10. Suspension or revocation.**

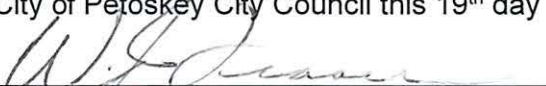
The city shall have the authority to refuse to renew a license or to suspend or revoke a license for continued and repeated violations of the provisions of this chapter. A decision to suspend, revoke, or refuse renewal of a license may be appealed to the city council by the applicant. Any license issued under the provisions of this chapter may be revoked by the city council for good cause shown after investigation and opportunity to the holder of such license to be heard in opposition thereto; in such investigation, the compliance or noncompliance with the state law and local ordinances, the conduct of the licensee in regard to the public, and other consideration shall be weighed in determination of such issues.

#### **Sec. 6-11. Penalty for violations.**

1. Any person, firm or corporation violating any of the provisions of this ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine pursuant to the City of Petoskey Municipal Civil Infraction Ordinance, as amended, plus costs and other sanctions, for each violation (as authorized by Section 24 of Act 184 of the Public Acts of Michigan of 1943, as amended, the City of Petoskey Municipal Civil Infraction Ordinance, and other applicable laws).
2. Repeat offenses under this ordinance shall be subject to increased fines, as provided by the City of Petoskey Municipal Civil Infraction Ordinance, as amended from time to time.
3. Each day on which any violation of this ordinance occurs or continues constitutes a separate offense, subject to separate sections. The paying of a fine or sanctions under this Ordinance shall not exempt the offender from meeting the requirements of this ordinance.
4. A violation of this ordinance is deemed to be a nuisance, per se. In addition to any remedies available at law, the city may bring an action for an injunction or other process against any person to restrain, prevent or abate any violation of this ordinance.

2. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.
3. This Ordinance shall take effect fifteen (15) days following its enactment and shall be published once within seven (7) days after its enactment as provided by Charter.

Adopted, enacted and ordained by the City of Petoskey City Council this 19<sup>th</sup> day of May 2014.

  
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W.J. Fraser  
Its Mayor

  
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Alan Terry  
Its Clerk