

ORDINANCE NO. 944

AN ORDINANCE TO AMEND CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF ESCANABA

THE CITY OF ESCANABA ORDAINS:

CHAPTER I

Chapter 6, Article II - Building Code, of the Code of Ordinances shall be amended by adding the following Sections:

Section 6-22. Licensing and Permit Required.

(a) It shall be unlawful for any person to operate a Bed and Breakfast Establishment as defined by State law and/or City Ordinance without first obtaining a license.

(b) It shall be unlawful for any person to operate a Rooming House as defined by State law and/or City Ordinance without first obtaining a permit.

Section 6-23. Responsibility and Adoption of Fees.

(a) The owner/operator of a Bed and Breakfast Establishment or Rooming House shall be responsible for fees for a license/permit, Certificate of Occupancy, as well as reasonable fees for inspection and reinspection by the Building Official.

(b) The City Council, by resolution, may adopt fees for a license/permit, Certificate of Occupancy and reasonable inspection fees in accordance with the Bed and Breakfast Establishment Ordinance and Rooming House Ordinance, as amended, in this Code.

CHAPTER II

Section 6-61 through Section 6-75 of Article V - Bed and Breakfast Establishments, of Chapter 6 of the Code of Ordinances are hereby repealed.

CHAPTER III

Article V, of Chapter 6 shall be amended to read as follows:

ARTICLE V. BED AND BREAKFAST ESTABLISHMENT

Section 6-59. GENERAL DEFINITIONS.

The following words and terms shall, for the purposes of this Ordinance and as stated elsewhere in this Ordinance, have the meaning shown herein. All definitions as found in the Zoning Ordinance, Property Maintenance Ordinance, and other applicable Ordinances shall apply.

BED AND BREAKFAST ESTABLISHMENT: A single-family residential dwelling which shall not be treated as a hotel or other facility serving transient tenants and meets the following criteria:

- (1) Has five (5) or fewer sleeping rooms, including sleeping rooms occupied by the operator, one (1) or more of which are available for rent to transient tenants;
- (2) Serves meals at no extra cost to its transient tenants;
- (3) Has a smoke detector in proper working order in each sleeping room and a fire extinguisher in proper working order on each floor.

Section 6-60. ENFORCEMENT

It shall be the duty of the City Manager to enforce the provisions of this Article. The City Manager may delegate authority to inspectors and other employees as may be necessary to carry out the requirements of this ordinance.

Section 6-61. LICENSE REQUIRED; FEE; RENEWAL; TRANSFERABILITY

It shall be unlawful for any person to operate a Bed and Breakfast Establishment as defined and as permitted in this Article and the Zoning Ordinance and any amendments to this Article and the Zoning Ordinance, without first obtaining a license. The City Council, by resolution, may adopt fees for a Certificate of Occupancy and reasonable inspection fees as may be required from time to time. This Article shall not apply to Rooming Houses doing business in the City. The Bed and Breakfast Establishment license shall be issued in January of each year and shall be renewed on an annual basis. A Bed and Breakfast Establishment License shall be transferable to another location. Bed and Breakfast Establishment license shall be transferable when the ownership of the building changes, provided that a valid Bed and Breakfast Establishment license is in effect. The owner shall report any changes in ownership information in order that the license maintained by the Building Official is current at all times.

Section 6-62. DWELLING AND OPERATOR REQUIREMENTS

Bed and Breakfast Establishment use shall be confined to a single-family residential dwelling which is the principal dwelling on the property. The dwelling in which the Bed and Breakfast Establishment use takes place shall be the principal residence of the operator and the operator shall live on the premises during any time that the Bed and Breakfast Establishment is active.

Section 6-63. GUEST REGISTER

Each operator shall keep a list of names of all persons staying at the Bed and Breakfast Establishment location. Such list shall be available for inspection by City Officials at any reasonable time.

Section 6-64. NON USE OF LICENSE/LENGTH OF STAY

Every license issued by the Building Official under the provisions of this Ordinance shall expire by limitation and become null and void if the establishment does not rent, lease, or let a sleeping room to a guest within two hundred seventy (270) days from the date of license issuance, or if the establishment authorized by such license is suspended or abandoned at any time after the license is issued for a period of two hundred seventy (270) consecutive days. Before a Bed and Breakfast Establishment license can be recommenced, a new license shall first be obtained from the City and a fee therefore shall be required for a new license.

The maximum stay for any guests of a Bed and Breakfast Establishment shall be fourteen (14) consecutive days.

Section 6-65. LICENSE APPLICATION REQUIREMENTS

Applicants for a license to operate a Bed and Breakfast Establishment shall submit the following materials for review:

(1) Initial License. A floor plan of the single-family dwelling unit illustrating that the proposed use will comply with the City Zoning Ordinance, as amended, and other applicable City Codes and Ordinances, and with the terms of this Article.

(2) Initial License. A site plan showing the dimensions of the property, the size and location of the buildings, side yards and the proposed parking area.

(3) Initial and Subsequent Annual License. A Certificate of Occupancy issued by the Building Inspection Department stating the building meets minimum code requirements of the Property Maintenance Code.

Section 6-66. RESIDENTIAL SPECIFICATIONS

The minimum size of the single-family residential dwelling for a Bed and Breakfast Establishment shall be two thousand (2,000) square feet of normal residential space, exclusive of garages and storage sheds. Lavatories and bathing facilities shall be available to all persons staying at any Bed and Breakfast Establishment.

Section 6-67. PARKING

The Bed and Breakfast Establishment shall provide a minimum of one parking space per bed and breakfast sleeping room and a minimum of two (2) parking spaces for the use of the operator and family of the operator. No additional parking can be created in the front yard of the dwelling unit beyond the parking which exists at the time of the passage of this Article. Any new side yard parking spaces created after the passage of this Article shall be pre-approved by the City. Parking requirements must be met on the site of the Bed and Breakfast Establishment dwelling and must comply with the Off-Street Parking Ordinance of the City of Escanaba.

Section 6-68. SIGNAGE

One sign, not exceeding two (2) square feet will be permitted in the front of the dwelling on the property of the applicant.

Section 6-69. PROXIMITY TO OTHER BED AND BREAKFAST ESTABLISHMENTS

Proximities between Bed and Breakfast Establishments must comply with the City Zoning Ordinance, as amended, and other applicable City Codes and Ordinances, and with the terms of this Article.

Section 6-70. FOOD AND BEVERAGES

Food and beverage service may be provided only to registered overnight guests or personal

guests of the owner/operator. Said service must comply with State law.

Section 6-71. APPEARANCE AND NUISANCES

Residential structures may be remodeled for the development of a Bed and Breakfast Establishment. However, structure alterations may not be made which prevent the structure from being used as a residence in the future. Internal or external changes which will make the dwelling appear less residential in nature or function are not allowed. Examples of such alterations include the paving of required side yards and the installation of commercial type exterior lighting. The City Manager or designated Building Official has the final authority in interpretative issues of the Ordinance.

Bed and Breakfast operations shall not be permitted and shall cease whenever the operation shall become a nuisance to adjoining residents by reasons of noise, smoke, odor, lighting, unreasonable traffic congestion, or when the same interferes with the safety or rights of others. The impact of a Bed and Breakfast Establishment should not be greater than that of a private home with guests.

Section 6-72. RETAIL SALES

No retail sales of any kind shall be permitted on the premises.

Section 6-73. AUTHORITY FOR DENIAL

The floor plan, site plan, and Certificate of Occupancy for the Bed and Breakfast Establishment shall be reviewed by the Building Official for compliance with all City, State and Federal Codes and Ordinances. If the Building Official finds that an applicant cannot meet a particular requirement, then they shall have authority to deny the applicant a license. Any denial based on zoning requirements may be appealed to the Zoning Board of Appeals. Any denial of license based on requirements of the Building Code or the Property Maintenance Code may be appealed to the General Appeals Board. Any requests for hearing shall be filed within twenty (20) days after the applicant and license is denied. Any applicant aggrieved by a final decision or order of the Zoning Board of Appeals and/or the General Appeals Board may appeal the decision or order to the Circuit Court within twenty (20) days from the date of the decision.

Section 6-74. LICENSE SUSPENSION, REVOCATION AND RENEWAL

The Building Official 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 Article. A decision to deny a license may be appealed to the Zoning Board of Appeals or the General Appeals Board as prescribed in Section 6-73 Authority for denial.

Section 6-75. PENALTY FOR VIOLATIONS

Any person who violates any provisions of Article V. Bed and Breakfast Establishment, is responsible for a municipal Civil Infraction subject to payment of a civil fine of not more than fifty dollars (\$50.00) plus costs and other sanctions for each infraction. The fine for any offense which is a first repeat offense shall be subject to a civil fine of not less than two hundred fifty dollars (\$250.00), plus costs. The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be not less than five hundred dollars (\$500.00), plus costs.

CHAPTER IV
SAVINGS CLAUSE

If any section, subsection, sentence, clause, or phrase of the within Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, section, subsection, sentence, clause, phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

CHAPTER V
REPEALING CHAPTER

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

CHAPTER VI
EFFECTIVE DATE

This Ordinance shall be in full force and effect ten (10) days after its passage and publication.

APPROVED:

APPROVED:

Ralph B. K. Peterson
City Attorney

Craig S. Gierke
Mayor

ATTEST:

Robert S. Richards, CMC
City Clerk

I hereby certify that the above and foregoing Ordinance was duly passed and adopted at a meeting of the City Council held on June 18, 1998, and was published in the Daily Press, a newspaper of general circulation in the City of Escanaba, on June 26, 1998.