



## **Agenda: Battle Creek City Commission Workshop**

Event Name: City Commission Workshop - Topic: Administrative Hearings Bureau  
Meeting Date: July 21, 2026 - 6:00 PM  
Location: Battle Creek City Hall - City Commission Chambers - 3rd Floor  
Chair: Mayor Mark A. Behnke

### **WELCOME AND INTRODUCTION**

### **ROLL CALL**

### **PUBLIC COMMENT - LIMITED TO 3 (THREE) MINUTES PER INDIVIDUAL**

### **PRESENTATION**

1. Proposed Administrative Hearing Bureau Overview - William Kim, City Attorney

### **COMMISSION COMMENT**

### **ADJOURNMENT**

It is the desire of the City Commission to encourage public expression in the course of its meetings. Such expression can be integral to the decision-making process of the City Commission. It is the intention of the City Commission to respect the rights of persons addressing the Commission. Public comment periods are a time for citizens to make comments; they are not intended as a forum for debate or to engage in question-answer dialogues with the Commission or staff. Commissioners are encouraged not to directly respond to speakers during public comment periods. At the conclusion of the speaker's remarks, the Mayor or individual Commissioners may refer a question to City staff, if appropriate. Also, individual Commissioners may choose to respond to speakers during the "Commission Comment" period.

It is with these aims in mind, so as to promote decorum and civility and an orderly process for conducting its public business meetings, that the following rules concerning public comments, consistent with applicable law, are adopted by the City Commission.

- (1) Persons attending a regular or special Commission Meeting shall be permitted to address the City Commission in conformity with this rule. The opportunity to address the Commission shall be limited to the following:

(a) Persons desiring to address the City Commission are encouraged, but shall not be required, to fill out and turn in to either the City Clerk, Mayor, or presiding Commissioner, prior to the meeting, a comment card disclosing the following information: The person's name, address, and telephone number; the specific issue, topic or resolution the individual wishes to address.

(b) During public hearings when scheduled, but only when the law requires a separate period of public comment, speakers may present facts and opinions on the specific matter being heard by the Commission. A three-minute time limit is imposed per speaker. In the discretion of the Mayor or presiding officer, the time limit for individual speakers may be lengthened or shortened when appropriate.

(c) During the public comment period on any specific agenda item, whether it be a public hearing, an ordinance introduction or adoption, a consent agenda item, or a resolution not on the consent agenda, each speaker may address the Commission once, regarding anything on the meeting agenda, for a total not to exceed four minutes regardless of how many agenda items the speaker is addressing, which time period may be lengthened or shortened by the Mayor or presiding officer when appropriate.

(d) During the General Public Comment portion of the meeting, speakers may address the City Commission on any matter within the control and jurisdiction of the City of Battle Creek. A speaker shall be permitted to address the City Commission once, for up to three minutes, during this portion of the meeting.

(e) Applicants or Appellants, as defined below, or an attorney retained to represent them, are not bound by the specific time limitations set out above but may have the amount of time deemed reasonably necessary by the Mayor or presiding official to present their case to the City Commission without violating the rules set out below in subsection 4(a) through (g), with which they are obligated to comply.

(i) Applicant is defined an individual or business entity seeking a City Commission final decision on a matter for which the individual has made application to the City based upon a specific provision in a City Ordinance or state statute for permission to take a specific action;

(ii) Appellant is an individual appealing a decision of a City official or an inferior body based upon a specific provision in City ordinances entitling the individual to appeal the decision to the City Commission.

(2) An individual wishing to address the City Commission shall wait to be recognized by the Mayor or presiding Commissioner before speaking. An individual who has not filled out a card requesting to address the City Commission shall raise their hand and wait to be recognized by the Mayor or presiding Commissioner before speaking and shall identify themselves by name and address and, if appropriate, group affiliation for the record.

(3) Speakers shall address all remarks to the Mayor, or the presiding Commissioner or

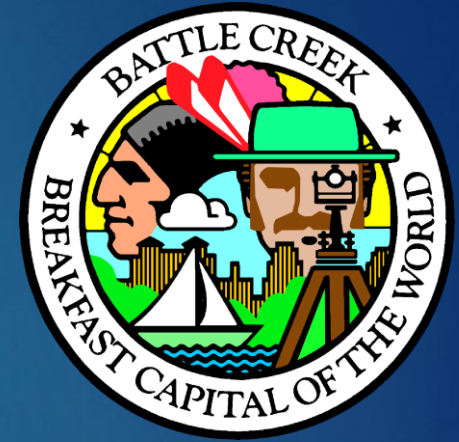
official, and not to individual Commissioners or staff members. Speakers shall not address their remarks to members of the public in attendance at the meeting.

(4) A speaker will be ruled out-of-order by the Mayor or presiding Commissioner and the Commission will continue with its business, and the speaker may be required to leave the meeting after having been ruled out-of-order for a breach of the peace committed at the meeting as permitted by the OMA, when the speaker violates above sub-section 3 or the following:

- (a) Becomes repetitive or speaks longer than the allotted time;
- (b) Attempts to yield any unused portion of time to other speakers;
- (c) Engages in a personal attack upon a city employee, administrator or Commissioner only if the personal attack is totally unrelated to the manner in which the employee, administrator or Commissioner carries out their public duties or office;
- (d) Uses obscene or profane language;
- (e) Engages in slanderous or defamatory speech;
- (f) Uses derogatory racial, sexual or ethnic slurs or epithets relating to any individual or category of persons; or
- (g) Engages in conduct that interrupts or disrupts the meeting.

(5) Individuals attending City Commission meetings or workshops, excluding City staff, shall not pass the commission chambers bar upon which the podium is affixed (and which divides the audience section from the well of the chambers) without having been invited to do so by the Mayor or official presiding over the meeting, or after requesting and explicitly being granted permission to do so. Any individual violating this subsection will be ruled out-of-order by the Mayor or presiding official and the individual may be required to leave the meeting for a breach of the peace committed at the meeting as permitted by the OMA.

# Battle Creek City Commission Workshop



**ESTABLISHING A BATTLE CREEK  
ADMINISTRATIVE HEARING BUREAU**

# Administrative Hearing Bureaus: Statutory Authority



- ▶ The City of Battle Creek is chartered pursuant to the Home Rule City Act, MCL 117.1 *et seq*, and under that statute may establish an Administrative Hearings Bureau (AHB).
- ▶ An AHB “adjudicate[s] and impose[s] sanctions for violations of the charter or ordinances designated in the charter or ordinance as a blight violation.”
- ▶ An AHB may accept admissions of responsibility for blight violations and collect civil fines and costs pursuant to a schedule of such fines and costs.

# Administrative Hearing Bureaus: Statutory Authority



- ▶ A municipality establishing an AHB is responsible for funding its operations.
- ▶ A municipality must designate, by ordinance, what other ordinances are within the jurisdiction of the AHB.
- ▶ An AHB lacks jurisdiction over criminal offenses, traffic civil infractions, municipal civil infractions, or state civil infractions.
- ▶ No authority to order incarceration or to impose a civil fine in excess of \$10,000.00.



# Administrative Hearing Bureaus: Statutory Authority



- ▶ The following ordinance types can be designated as blight violations:
  - ▶ Zoning
  - ▶ Building or property maintenance
  - ▶ Solid waste and illegal dumping
  - ▶ Disease and sanitation
  - ▶ Noxious weeds
  - ▶ Vehicle abandonment, inoperative vehicles, vehicle impoundment, and municipal vehicle licensing.
  - ▶ Right of way signage
  - ▶ Dangerous building



# Administrative Hearing Bureaus: Statutory Authority



- ▶ The ordinance establishing an administrative hearing bureau must satisfy various requirements, including:
  - ▶ Procedure and due process
  - ▶ Standards for the appointment, authority, and duties of Administrative Hearing Officers
  - ▶ Conduct of hearings and imposition of penalties
  - ▶ Enforcement of orders and judgments
  - ▶ Appellate review by the local Circuit Court



# Code Enforcement Overview: Current Objectives & Policy



- ▶ Ensure that residential and commercial properties meet local housing and property maintenance standards.
- ▶ Protect public health and safety.
- ▶ Support quality neighborhoods by addressing conditions that contribute to blight or unsafe living environments.



# Code Enforcement Overview: Current Objectives and Policy



- ▶ Emphasize education, inspection, and working with property owners to achieve compliance.
- ▶ Enforcement of housing & property maintenance standards
- ▶ Inspections of residential, commercial, and rental properties
- ▶ Rental property compliance and permit administration
- ▶ Investigating property concerns reported by the public
- ▶ Support for property owners to resolve violations

# Code Enforcement Overview

## Process and Timeline Review



- ▶ Code Enforcement currently issues 250-350 citations yearly.
- ▶ Before issuing citations, respondents receive a 14-day notice for junk/inoperable vehicle issues or a 60-day notice for exterior/housing issues to attempt to resolve issues before starting legal proceedings.
- ▶ Once issued, citations are filed with the Calhoun County District Court.
- ▶ The first pre-trial hearing usually occurs 45-60 days later.



# Code Enforcement Overview

## Process and Timeline Review



- ▶ At Pre-Trial, a new compliance date is usually set to allow the Respondent to correct the violation, usually another 30-60 days out.
- ▶ If the violation isn't corrected, eventually a formal hearing is held before a judge.
- ▶ If the judge finds the Respondent responsible, the judge then assesses the penalty.
- ▶ Penalties may include fines of \$50-\$100 and court costs of \$130 = \$180-\$230 total, of which the City receives only a portion.



# Code Enforcement Prosecution Process and Timeline Review



- ▶ The Calhoun County District Court has a heavy caseload that means that the City's code enforcement cases are only a small portion of their docket.
- ▶ Constitutional "speedy trial" rights and the court rules require that the District Court prioritize criminal cases, which often leads to adjournment or delay in code enforcement proceedings.
- ▶ Time from initial violation notice to formal hearing can take 6-12 months.



# Battle Creek AHB Proposal: Adjudication Process



- ▶ Authorized officials issue a violation notice and file with the AHB.
- ▶ Respondents have 2 weeks to (1) accept responsibility, (2) deny responsibility/accept responsibility with explanation, or (3) do nothing.
  - ▶ If (1), then they are ordered to pay a fine and correct the violation.
  - ▶ If (2), the matter is scheduled for pre-hearing conference/hearing within a month, followed by a contested case hearing within another month.
  - ▶ If (3), default order to pay fines and correct violation is issued.
- ▶ After order is issued, Respondent may appeal to the Circuit Court, but must pay an appeal bond in the amount of the assessed costs/fines.
- ▶ Projected time from violation notice to final order/judgment: 2-3 months.

# Battle Creek AHB Proposal: Jurisdiction and Scope



- ▶ Zoning Ordinance of the City of Battle Creek, Chapters 1230 through 1290
- ▶ Chapters 1420 (State Construction Code), 1422 (Electrical Code), 1424 (Plumbing, Water Supply, Drainage and Gas Piping Code), 1426 (Mechanical Code), 1440 (Demolition and Moving of Buildings), 1445 (Numbering of Buildings), 1450 (Property Maintenance Code), 1454 (Dangerous Buildings), 1456 (Vacant or Abandoned Structures), and 1468 (House Trailers) of the Battle Creek Code of Ordinances.
- ▶ Chapters 1022 (Sidewalks), 1026 (Trees), 1064 (Garbage and Rubbish Collection and Disposal)
- ▶ Chapters 818 (Hotel, Motel, and Tourist Home), 827 (Garage Sales), 842 (Rental Housing), 866 (Drop Boxes)

# Battle Creek AHB Proposal: Penalties and Enforcement



- ▶ If a violation is established, Administrative Hearing Officer may:
  - ▶ Assess fines/costs.
  - ▶ Order the respondent to correct violation
  - ▶ Order that, if the respondent does not correct the violation within a reasonable amount of time, the City is authorized to correct the violation and assess the costs of correction against the property owner.
- ▶ With certain limitations, unpaid fines/costs may become a lien against the property and collected as unpaid taxes.

# Battle Creek AHB Proposal: Administration and Staffing



- ▶ AHB to have procedural rulemaking authority, subject to City Commission review.
- ▶ Administrative Hearing Officers (AHOs) appointed by the City Manager
  - ▶ AHO's must have 5 years of experience as a practicing attorney.
  - ▶ AHO's may only be relieved for reasonable cause.
  - ▶ AHO's must complete a training program to be developed/run by CAO.
- ▶ AHB to be staffed as directed by the City Manager.
- ▶ City Attorney's Office to prosecute blight violations.



# Battle Creek AHB Proposal: Implementation Timeline



- ▶ Step 1: City Commission enacts enabling ordinance for AHB (July-August 2026)
- ▶ Step 2.1: Develop procedures and protocols for AHB (August-September 2026)
- ▶ Step 2.2: Recruit/Appoint Administrative Hearings Officers (AHOs) and AHB support staff (August-September 2026)
- ▶ Step 3: Train AHOs and City Staff on procedures and protocols (October-December 2026)
- ▶ Step 4: Begin adjudicating cases before the AHB (January 2027)

# Administrative Hearing Bureau: Conclusion

Any questions?

