

CASCADE CHARTER TOWNSHIP
ORDINANCE NO. 24-4
AN ORDINANCE TO REGULATE THE LICENSING OF HOTELS

THE CHARTER TOWNSHIP OF CASCADE ORDAINS:

Section 1. New Chapter 267. New Chapter 267 is added to the Code of the Charter Township of Cascade, and states as follows:

Section 267-1. Title

This Chapter may be known and referred to as the “Cascade Charter Township Hotel Licensing Ordinance.”

Section 267-2. Purpose & Findings

The purpose of this Chapter is to protect the health, safety, and welfare of Township residents and visitors by requiring and maintaining adequate standards for establishments providing accommodations to transients and guests within the Township. Enacting this Ordinance, the Township Board finds as follows:

- a) Certain hotels and motels within Cascade Charter Township have become “hotspots” for emergency service needs, generating a disproportionately high number of emergency service calls funded by the taxpayers of Cascade Charter Township via extra-voted millage.
- b) Township taxpayers are subsidizing the disproportionate number of emergency service calls made to these establishments, and other Township residents and businesses suffer from increased response times and other disadvantages related to this disproportionate use of emergency services by a few businesses.
- c) Between January 1, 2022, and January 30, 2024, the Kent County Sheriff’s Office made 1590 service calls to 13 specific hotels and motels within the Township.
- d) These hotels and motels generate large numbers of service calls to the Township Fire Department.
- e) In recent years a number of serious law enforcement incidents have occurred at these hotels and motels within the Township, including at least one murder and several overdoses from controlled substances, and sex trafficking.
- f) Online reviews of these hotels and motels reflect unsafe and unsanitary conditions, lack of adequate staffing, lack of adequate supplies, the presence of bedbugs and roaches, and rooms that do not lock.
- g) A growing number of communities have adopted ordinances to combat these problems, including requiring hotels and motels to obtain and maintain permits that require safe operations of those establishments, including the City of Grand Rapids, the City of Southgate, and the City of Battle Creek.
- h) In addition to the above concerns, certain hotels and motels in the Township now operate in a manner that is not exclusively or primarily to provide transient accommodations, contrary to the use of those properties as permitted under the Township Zoning Ordinance.

- i) Cascade Charter Township (“Township”) finds that regulation and licensing of hotels within the Township is in the best interest of the public health, safety, and welfare of the community.
- j) The fines and costs reflected in this Ordinance are remedial and allow the Township to recover costs sustained by Township residents and taxpayers in providing disproportionate emergency services and are related to the cost of enforcing the law.

Section 267-3. Definitions

For the purposes of this Chapter, the following terms are given the following meanings. To the extent that a definition below conflicts with a definition found in the Township Zoning Ordinance or other Township ordinance, the definition below controls for the purposes of this Ordinance.

Accommodation(s). The room or other space provided to transients and other guests for lodging or sleeping, including furnishings and other accessories.

Extended stay hotel. A building or group of buildings containing units (a bedroom, closet, and a bathroom) or rooms, and a full kitchen (sink, refrigerator, and stove), which provide for accommodations for temporary residence by persons for non-transient extended stays or stays longer than thirty days. The purpose of an extended stay hotel is to provide accommodations for persons displaced from their permanent residence by a force majeure, or for persons relocating because of a change of employment (position, location, career, or otherwise). Extended stay hotels are not permanent residences or domiciles and do not include “dwellings” or “dwelling units” as defined by the Zoning Ordinance. “Force majeure” means things like fires and natural disasters that affect specific persons or families; it does not include economic or societal conditions. Extended stay hotels are not residences for homeless individuals or families (like shelters) or for individuals seeking permanent or temporary shelter due to immigration or asylum requests or status.

Hotel and/or motel. A building or group of buildings containing accommodations for transient persons for compensation for periods of thirty consecutive days or less, and permitted under the Township Zoning Ordinance as a hotel or motel.

Licensed establishment. Any premises licensed pursuant to this Chapter.

Township Manager. The Township Manager or the Manager’s designee.

Transient. A person lodging for compensation in any hotel, motel, or extended stay hotel for a period of thirty consecutive days or less.

Section 267-4. License Required

- a) No person, firm, corporation, or other entity may operate a hotel, motel, or extended stay hotel within the Township without first having obtained an annual license for that purpose from the Township Manager. In the first year following the effective date of this Ordinance, applications shall be submitted no later than October 1, 2024. Any annual license, whenever issued, expires December 31 in each year following the date of issuance, unless sooner suspended or revoked pursuant to this Ordinance or for any other reason. Licenses shall only be transferrable to any new owner/operator upon approval of the Township Manager and following inspection to ensure all of the requirements of this Ordinance are fulfilled, including an application with the information of the new owner/operator. Renewals of licenses on an annual basis, with no change in ownership or operator will not

require another application, but shall require a new license, including payment of a license fee and inspections. The Township Manager may impose reasonable conditions upon the issuance of any license, including without limitation the conditions of this Ordinance or other applicable law.

- b) Application for such a license must be made to the Township Manager and shall include the application fee, to be determined from time to time by resolution of the Township Board, which shall be used to offset the cost of inspections, enforcement, and other administrative costs related to this Hotel Licensing Program.
- c) The fee for a license shall be determined from time to time by resolution of the Township Board, which shall be used to offset the cost of inspections, enforcement, and other administrative costs related to this Hotel Licensing Program. No license may be issued pursuant to the provisions of this Article unless the premises to be licensed is in compliance with all applicable federal, state, county, and Township regulations and only after all applicable fees, including but not limited to application and license fees, are fully paid.
- d) The Township Manager may refuse to issue or renew a license for good cause. "Good cause" is defined by Section 267-8.

Section 267-5. Plan of Operation

Applicants must submit a comprehensive, written plan of operation that must be approved by the Township Manager before a license may be issued. Material changes to a plan of operation must also be approved by the Township Manager. Failure to comply with all applicable regulations or material variance from the plan presented may result in nonrenewal of a license or in revocation of the license.

The Township Manager must develop and publish a list of required information and materials for a plan of operation.

Sec. 267-6 Duty to Maintain Guest Register

The proprietor, manager, desk clerk, or any other person in charge of any hotel, motel, or extended stay hotel must maintain a register for not less than 1 year of the following information for any person renting any bed, room or rooms and any person that occupies such rented bed, room, or rooms, at the time of arrival:

- a) Name;
- b) Home address;
- c) Make, year, color, state of registration, and license number of the motor vehicle in which each guest arrived, if the motor vehicle will be kept on the premises during the guest's stay;
- d) The room, rooms, or space rented or assigned to each guest and the time of arrival of each guest; and
- e) Where two persons occupy the same accommodation and at least one of the persons is a minor, the relationship of said person must be noted on the register.

Sec. 267-7 Unlawful Registration or Occupancy.

- a) No person may knowingly enter into any register required by this Article any false, incorrect, or inaccurate information.
- b) No person may occupy any room, rooms, or space in any hotel, motel, or extended stay hotel unless and until the information provided in Section 267-6 is entered in the required register.

Section 267-8. Violations and Penalties.

In addition to the remedies available to the Township under Article V of the Township Code (“Code Violations and Enforcement”), violations of this Chapter may result in the following remedial action in order to recover costs sustained by Township residents and taxpayers in providing emergency services and enforcing the law:

- 1st offense: \$5,000 fine
- 2nd offense: \$10,000 fine
- 3rd and subsequent offenses: \$20,000 fine

For subsequent offenses or for good cause following any offense, the Township Manager may suspend, revoke, or refuse to renew a license provided pursuant to this Chapter. “Good cause” as used in this Chapter includes the performance or omission of any act, or permitting of any condition to exist, that in the opinion of the Township Manager constitutes:

- a) Fraud or material misrepresentation in the application for license.
- b) Fraud or material misrepresentation in the operation of the licensed business.
- c) Any material violation of this Chapter or its regulations.
- d) Any violation of applicable law that creates a risk to the health, safety, or welfare of persons or to the public, or brings into question whether the licensee is suitable to operate the business.
- e) Conducting the business in an unlawful manner or in a such manner constituting the maintenance of a nuisance upon or in connection with the licensed establishment. For purposes of this Chapter, “nuisance” is given the normal and customary meaning and includes without limitation the following:
 - 1) Existing violations of building, electrical, mechanical, plumbing, zoning, health, fire, or other applicable regulatory codes.
 - 2) A pattern or practice of guest conduct that is in violation of the law and/or interferes with the health, safety, and welfare of nearby properties.
 - 3) Failure to maintain the grounds and exterior of the licensed establishment, including litter, debris, or refuse blowing or being deposited upon adjoining properties.
 - 4) Failure by the licensee to permit the inspection of the licensed establishment by the Township’s agents or employees in connection with the enforcement of this Chapter.

- 5) Failure of the licensee to timely pay personal property taxes; other Township obligations, including the payment of fines and fees as provided by Section 267-9; and real property taxes arising from their use and occupancy of the property. A licensee who does not own the real property is not responsible for the payment of the real property taxes unless the lease requires such payment.

Section 267-9. Delinquent Payment and Fee and Fine Recovery

- a) The fines and fees authorized by this Chapter are due within 30 days after the Township mails a billing statement to the licensee or responsible person or entity.
- b) If the fine or fee is not paid within the 30-day period, it is deemed delinquent and a 10% penalty is added.
- c) If the fine or fee becomes delinquent, the Township may seek a monetary judgment and collection of that judgment, or any other legal or equitable remedy available.

Section 267-10. Hearing and Appeal.

Any person whose initial request for a license is refused or has their license suspended, revoked, or not renewed may file a written request with the Township Manager for a hearing before the Township Board within ten days of service of the refusal, suspension, revocation, or nonrenewal.

Upon receipt of a request for a hearing, the Township Board must hold a public hearing on the matter not less than 10 but not more than 45 days following the filing of the request. Following the hearing, the Township Board must affirm, reverse, or reverse with conditions the action of the Township Manager.

Section 267-11. Rules and Regulations

The following rules, regulations and conditions must be observed by each licensee under this Chapter:

- a) All accommodations must afford easy and unobstructed access to a hall or passageway to the outdoors.
- b) Rooms must be kept clean and free from dirt, vermin, garbage and rubbish.
- c) Clean sheets, pillowcases, and towels must be provided before a guest may occupy a bed previously occupied by another registered guest.
- d) The cooking of food in or upon the premises is prohibited, other than in a kitchenette facility in compliance with applicable codes and regulations, and approved by the proper authorities designated in those codes and regulations. The use of hotplates or similar equipment that can be utilized to heat or cook food is prohibited. A notice to this effect must be conspicuously posted in each accommodation.
- e) The register required by Section 267-6 must be located and accessible near the lobby entrance.
- f) No licensee may knowingly permit any accommodations and/or other location on the premises to be used for an unlawful purpose.

- g) All licensees must permit free access by the Building Official, Fire Chief, Township Manager, or their representatives at all reasonable times.
- h) Except as provided by Chapter 85 of the Township Code, accommodations may not be made available for a period in hourly increments nor may any accommodation be made available more than one time during the eighteen hour period of 12:00 noon to the following morning at 6:00 a.m. The right to occupy any accommodation may not be assigned or transferred. No transient may obtain accommodations at any establishment for more than thirty consecutive days, except as provided in Section 267-12.
- i) Occupancy of a room may not exceed more than two persons for every one bed with a maximum of four per bedroom.
- j) Each room of every establishment must receive daily housekeeping/cleaning and inspection.
- k) Additional security requirements:
 - 1) A video surveillance system (VSS) must be installed within one year of the effective date of this chapter. All VSS must have no less than one camera dedicated to each register or check-out stand, entrance/exit, interior hallway, and lobby, swimming pool area, exercise facility, loading dock, and parking lots or areas designated for customer and/or employee parking use. Recording must be backed up and kept for a minimum of thirty days.
 - 2) At licensed facilities where accommodations are generally accessible from inside an enclosed building or structure (like a hallway or lobby), exterior doors (other than lobby doors) must be secured from the outside between the hours of 9:00 p.m. and 6:00 a.m.
 - 3) All exterior doors to accommodations must be capable of locking or have automatic locks.
 - 4) Any accumulations of snow must be removed from the licensed establishment in a timely manner and such snow removed from parking lots and all other areas of the licensed establishment may not be placed on adjacent public easements, sidewalks, or on or near a fire hydrant.
 - 5) Each occupied accommodation must have a working telephone with access to 911 emergency services.

These Rules and Regulations must be posted in a conspicuous location near the lobby.

Section 267-12. Requirements for extended stay hotels

Longer term occupancy (more than 30 days) of accommodations may be permitted in a licensed extended stay hotel approved for such use under this Ordinance and subject to the limitations of the Township Zoning Ordinance and any applicable permit or approval, subject to the following limitations:

- a) Each unit must be a minimum of 300 square feet in area, exclusive of bathroom, closet, or balcony space.
- b) Minimum of 1,000 square feet for recreational use by guest.

- c) A registration lobby staffed on a twenty-four hour daily basis must be provided.
- d) Stays greater than 120 days at an extended-stay hotel are prohibited except when:
 - a. A written contract or documented agreement exists between an extended-stay hotel and a business, corporation, firm, or government agency.
 - b. Documentation, consistent with HIPPA privacy rules, confirms that a guest is considered family or caring for a patient admitted in a local hospital.
 - c. Where a hotel guest has been relocated from their home by a natural disaster, fire, or other documented displacement.
- e) Occupancy limits must be established for each unit based on available sleeping space and fire safety to be approved by the Fire Chief.
- f) Daily or weekly services for each accommodation of linen change, towel change, soap change, and general clean-up must be provided.
- g) The licensee must provide a report to the Township Manager on a quarterly basis (January 1st, April 1st, July 1st, and October 1st of each calendar year) of the number of accommodations being utilized in excess of thirty consecutive days. The quarterly report must include:
 - a. The correct name and address of every guest renting or occupying an accommodation, including without limitation, non-paying minors and/or dependents.
 - b. The date and time of check-in and date and time of check-out of every guest who has utilized an accommodation in excess of thirty consecutive days.
 - c. A description of the specific accommodation, including the dimensions of the accommodation, the existence of a kitchenette and available appliances, the existence of a bathroom, the number of beds, and a description of any other appliances or facilities available in the specific accommodation.
- h) For the purposes of this Ordinance, an extended stay hotel may not be used as a permanent residence or domicile and does not include “dwellings” and “dwelling units” as defined by the Zoning Ordinance.

Section 267-13. Appropriations and Enforcement

To the extent permissible by law, the Township Board may from time to time by resolution appropriate funds raised for police and fire services, and the Township may contract with relevant agencies, to enforce and implement this Ordinance. If the Township Manager delegates enforcement or implementation of any provision of this Ordinance to a non-Township controlled agency, such delegation is only effective following approval by the Township Board.

Section 2. Severability.

If a court determines that any provision of this Chapter is invalid, the remaining provisions of this Chapter remain in full force and effect.

Section 3. Repealer.

Any ordinances in conflict with this ordinance are repealed to the extent necessary to give this Ordinance full force and effect.

Section 4. Effective Date.

This Ordinance takes effect 30 days after notice of adoption is published.

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