

## **ARTICLE 1**

# **ADMINISTRATION AND ENFORCEMENT**

### **SECTION 1.01. Intent and Purpose**

This Zoning Ordinance has been prepared and adopted for the purpose of providing standards and regulations for land development, use of land and buildings, and all other purposes described in the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended). It is further the intent of this Zoning Ordinance to carry out the policies of the Charter Township of Commerce Master Plan. This Zoning Ordinance is adopted to protect and promote the public health, safety, comfort, convenience, prosperity, and general welfare of residents and business owners of the Township.

More specifically, the purposes of this Zoning Ordinance are to enable, encourage, and qualify the implementation of the following policies:

1. That the Township should retain its natural features and visual character derived from naturalized open spaces, topography, woodlands, lakes, and riparian corridors.
2. New development shall reflect the forms and character of existing development that best represents the character and identity of the area in the Township in which the development is located.
3. That growth strategies encourage infill and redevelopment equally with new development.
4. That transportation, road capacity, and utilities should be planned and reserved in coordination with land use.
5. That the Township should include pedestrian and bicycle systems to supplement automobile transportation and provide opportunities for recreation and exercise.
6. That the Village and the Town Center should be pedestrian friendly and mixed use.
7. That the range of open space including parks, squares, and playgrounds should be distributed throughout the Township.
8. That buildings and landscaping should contribute to the physical definition of thoroughfares as civic places.
9. That development should adequately accommodate automobiles while respecting the pedestrian.
10. That the architecture and landscape design should reflect the local climate, topography, history and building practice.

11. That civic buildings and public gathering places should be provided in locations that reinforce community identity.

**SECTION 1.02. Scope**

The standards and regulations of this Zoning Ordinance shall apply to all land, buildings, structures, uses, and land development projects established or commenced after the effective date of this Zoning Ordinance. The effective date of this Zoning Ordinance is \_\_\_\_\_. Accordingly, no lots, units or parcels may be created or altered, nor shall any land use be established, changed or commenced, nor any building or structure constructed, altered, or extended, except in compliance with this Zoning Ordinance.

**A. Minimum Requirements**

The provisions of this Zoning Ordinance shall be held to be the minimum required for the preservation, protection, and promotion of the public health, safety, comfort, convenience, prosperity, and general welfare.

**B. Relationship to Other Ordinances or Agreements**

1. This Zoning Ordinance is not intended to repeal or annul any ordinance, rule, or regulation previously adopted, permit issued, or agreement entered into which is not in conflict with this Zoning Ordinance
2. Private deed restrictions or restrictive covenants shall have no effect on the applicability of this Zoning Ordinance.
3. Where the regulations of this Zoning Ordinance are more restrictive or impose higher standards or requirements than other such ordinances, rules or regulations, the requirements of this Zoning Ordinance shall govern.

**C. Unlawful Structures and Uses**

A structure or use not lawfully existing at the time of adoption of this Zoning Ordinance shall not be made lawful solely by adoption of this Zoning Ordinance.

**D. Vested Right**

Nothing in this Zoning Ordinance shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein. Such rights as may exist through enforcement of this Zoning Ordinance are hereby declared to be subject to subsequent amendment, change or modification as may be necessary for the preservation, protection or promotion of the public health, safety, comfort, convenience, prosperity or general welfare.

**SECTION 1.03. Short Title**

This Zoning Ordinance shall be known and may be cited as the Commerce Township Zoning Ordinance.

**SECTION 1.04. Enabling Authority**

The Zoning Ordinance has been prepared for and adopted by the Township Board of Trustees of the Charter Township of Commerce under the authority of the Michigan Zoning Enabling Act 110 of 2006 as amended), following compliance with all procedures required by this Act.

**SECTION 1.05. Compliance Required**

No structure, site or part thereof, shall be constructed, altered or maintained, and no new use of any structure or land shall be established, changed or maintained, except in conformity with this Zoning Ordinance.

**SECTION 1.06. Authority, Duties, and Responsibilities**

The purpose of this Section is to set forth the specific duties, responsibilities, and scope of authority of the following boards, commissions, and persons who are charged with administering, implementing, and enforcing the provisions of this Ordinance:

1. Township Board.
2. Planning Commission.
3. Zoning Board of Appeals.
4. Township Supervisor.
5. Township Clerk.
6. Designated zoning officials, including the Planning Director and Building Director.

Authority and responsibility for the administration and enforcement of all provisions of this Ordinance shall be as follows:

**A. General Limitations**

The Building Director and any other Township officials or representatives as designated and authorized by the Township Board shall have the responsibility of carrying out such administrative and enforcement duties as specified in this Ordinance or as directed by the Township Board for the purpose of implementing these regulations.

1. All zoning officials shall administer and enforce this Ordinance precisely as written, and shall not modify or vary the terms of this Ordinance nor grant exceptions to the actual meaning of any clause, order or regulation contained in this Ordinance. Under no circumstances shall any zoning official ignore the terms of this Ordinance in carrying out designated duties.
2. No plans shall be approved or permits issued except in conformance with all applicable provisions of this Ordinance. Permits issued, plans approved, and approvals given that are not in compliance with this Ordinance are void and without effect.

3. Upon determining that an application complies with all applicable requirements of this Ordinance, zoning officials shall not refuse to grant approval, despite violations of private contracts, covenants or private agreements that may occur upon such approval.

**B. Township Board Authority and Responsibilities**

The Township Board shall have the following responsibilities and authority pursuant to this Ordinance:

1. **Adoption of this Ordinance and any amendments.** Pursuant to Public Act 110 of 1996, as amended, the Township Board shall have the authority to adopt this Ordinance, and its related Official Zoning Map, as well as any subsequent amendments considered in accordance with Article 3. Adoption of any change to this Ordinance shall be by an amendatory ordinance.
2. **Review and approval of planned unit developments.** Township Board review and approval shall be required for all planned unit developments, in accordance with Article 38 (Planned Unit Developments).
3. **Setting of fees.** Fees for permits, applications, and requests for action pursuant to this Ordinance shall be as set forth in the Township's Fee Ordinance. In the absence of specific action taken by Township Board to set a fee for a specific permit or application, the appropriate administrative official shall assess the fee based on the estimated costs of processing and reviewing the permit or application.
4. **Appointment, oversight, and removal of zoning officials.** The Planning Director and his or her designees shall act as officers for the proper administration of this Ordinance. The Township Building Director and his or her designated assistants shall act as officers for the proper enforcement of this Ordinance.
  - a. The Building Director shall be appointed by the Township Board for such term, rate of compensation, and employment terms and conditions as the Board shall determine.
  - b. The Planning Director or Building Director may be removed from office by the Township Board in accordance with such employment terms and conditions as the Board shall determine.
  - c. The duties and responsibilities of the Planning Director and Building Director positions may be vested in one (1) person; divided among two (2) or more persons; or delegated to designated consultants, as the Township Board may determine.

**C. Planning Commission Authority and Responsibilities**

The Planning Commission shall have the authority and responsibilities specified in Article 40 (Planning Commission) of this Ordinance.

**D. Zoning Board of Appeals Authority and Responsibilities**

The Zoning Board of Appeals shall have the authority and responsibilities specified in Article 41 (Zoning Board of Appeals) of this Ordinance.

**E. Township Supervisor Authority and Responsibilities**

The Township Supervisor, as chief administrative official for Commerce Township, shall have the responsibility for administrative oversight and enforcement of this Ordinance.

**F. Township Clerk Authority and Responsibilities**

The Township Clerk or duly authorized representatives shall have the following responsibilities under this Ordinance:

1. Publish all notices required by these regulations, or verify such publication through the Planning Department.
2. Maintain official records and file all official minutes and documents in an orderly fashion.
3. Perform other related duties required to administer these regulations.

**G. Planning Director Duties and Responsibilities**

Commerce Township may employ a Planning Director, who may be a member of Township staff; or an individual, firm or organization retained on a consulting basis. In addition to specific responsibilities outlined elsewhere in these regulations and upon request from the Township Board, Planning Commission or other authorized Township body or official, the Planning Director shall act as its officer for the proper administration of this Ordinance. The Planning Director shall be appointed by the Township Board for such term, subject to such conditions, and at such rate of compensation as the Board shall determine. The Planning Director shall be responsible for administration of this Ordinance and other responsibilities, as follows:

1. The Planning Director shall provide citizens and public officials with information relative to these regulations and related matters, and shall assist applicants in completing appropriate forms and following procedures related to site plan review, rezoning, and other zoning and land use matters.
2. The Planning Director shall periodically report to Township Board and Planning Commission on the status of Township's zoning administration.
3. The Planning Director shall distribute all applications for zoning or development approval to designated Township officials and consultants for review and comment (including applications for site plan review, special use review, and planned unit development review).
4. The Planning Director shall arrange for the publication of all notices required by these regulations, and assist the Township Clerk with such publication.
5. The Planning Director shall forward to the Township Board, Planning Commission, and the Zoning Board of Appeals, all materials related to completed

applications recommendations, petitions or other matters on which the board or commission is required to act.

6. The Planning Director shall, in consultation with the Township Clerk, maintain the current Official Zoning Map of the Township and an up-to-date Zoning Ordinance text by recording all adopted amendments.
7. The Planning Director shall review and approve zoning related applications in compliance with the provisions of this Ordinance.
8. The Planning Director shall initiate investigations into alleged violations of these regulations in consultation with the Building Director and Township Board.
9. The Planning Director shall have the authority to perform such other functions necessary or incidental to the administration of this Ordinance, as directed by the Township Board.
10. The Planning Director shall prepare and administer such plans and ordinances as are appropriate for the Township and its environs, within the scope of the appropriate Michigan planning and zoning enabling acts.
11. The Planning Director shall advise and assist the Township Board, Planning Commission, Zoning Board of Appeals, and other authorized Township bodies or officials; and be responsible for carrying out the directives of the Planning Commission.
12. The Planning Director shall assist the Planning Commission with the performance of its duties.
13. The Planning Director shall review applications for zoning or development approval, administrative appeals, variances, and take any action required under these regulations.
14. The Planning Director shall at the request of the Planning Commission or Township Board, draft amendments to the Zoning Ordinance and other ordinances to accomplish the planning objectives of the Township

#### **H. Building Director Duties and Responsibilities**

The provisions of this Ordinance shall be enforced by the Building Director, deputies of his/her department, and such other persons as the Township Board may designate.

1. The Building Director shall have the authority to investigate complaints of Ordinance violations; issue warnings and citations; and make inspections of buildings or premises necessary to carry out the enforcement of this Ordinance.
2. If the Building Director shall find that any of the provisions of this Ordinance are being violated, he or she shall notify the person responsible in writing for such

violations, indicating the nature of the violation and ordering the action necessary to correct it.

- a. The Building Director shall order discontinuance of any unlawful work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or prevent violation of Ordinance provisions.
- b. The Building Director shall be responsible for making periodic inspections of the Township or parts thereof for the purpose of finding violations of this Ordinance.
- c. The Building Director shall periodically report to the Planning Commission and Township Board on the status of the Township's enforcement activities.

**SECTION 1.07. Enforcement**

The standards and requirements of this Zoning Ordinance reflect obligations to the community at large, and violations of this Zoning Ordinance shall be considered a nuisance per se. The Township's zoning official(s) shall, upon determining that any provision of this Zoning Ordinance has been violated, take such necessary actions authorized by this Zoning Ordinance to ensure compliance with the provisions of this Zoning Ordinance.

**A. Inspection of Violation**

The zoning official(s) shall investigate each alleged violation and shall order a correction in writing for all conditions found to be in violation of this Zoning Ordinance.

**B. Cost of Enforcement**

1. The costs to enforce compliance with this Zoning Ordinance shall be borne by the property owner. This includes, but is not limited to, attorney fees, court costs, and other costs associated with such enforcement, whether the relief sought is civil, criminal, legal or equitable in nature. The Township shall be entitled to injunctive relief, the cost of which will also be borne by the property owner.
2. Any performance guarantee posted for a permit or certificate may be applied towards said enforcement costs.

**SECTION 1.08. Zoning Permits**

The Building Director shall have the authority to grant zoning permits for work subject to the provisions of this Zoning Ordinance. No building, structure, site or use shall be established, occupied, used, erected, moved, enlarged, repaired or altered unless a zoning permit shall have been first issued for such work. No permit shall be issued unless the request is in conformance with the provisions of this Zoning Ordinance. Zoning permits shall be subject to the following:

**A. Application**

Zoning permit applications shall be filed with the Building Director, and shall be accompanied by a written explanation of the proposed improvements. Application materials shall include sufficient detail for the Building Director to determine whether the proposed improvements

conform to the applicable provisions of this Zoning Ordinance. The Building Director may require submittal of plans and specifications drawn to scale and showing the following:

1. The actual shape, location, and dimensions of the lot.
2. The shape, size, and location of any existing structures on the lot, and all structures to be erected, altered or moved, and of any building or other structures already on the lot.
3. The existing and intended use of the lot and of all structures upon it, including floor area devoted or intended for each use, and the number of dwelling units a residential principal building is intended to accommodate.
4. The location and dimensions of any existing and proposed yards, open space, and parking areas.
5. Proposed setbacks of structures from lot lines, road rights-of-way, zoning district boundaries or other site features.
6. Any other information deemed necessary by the Planner to determine compliance with the applicable provisions of this Zoning Ordinance.

The Building Director may waive the required submittal of plans if it is determined such plans are not necessary to determine compliance with this Zoning Ordinance.

**B. Permit Issuance**

Issuance of permits under this Zoning Ordinance shall be subject to the following:

1. No permit shall be issued until the Building Director has received notification of final approval of a site plan, special condition use or other necessary approval from the Planning Commission, including any conditions of approval or issuance of variances.
2. The Building Director shall not issue a zoning permit for proposed work that fails or has not been determined to conform to all applicable provisions of this Zoning Ordinance. The Building Director shall issue a zoning permit within ten (10) business days after determination that the proposed work conforms to all applicable provisions of this Zoning Ordinance.
3. In all cases where the Building Director shall refuse to issue a permit, the cause and reasons for such refusal shall be provided in writing to the applicant.

**C. Revocation**

The Building Director may revoke a zoning permit in the case of failure or neglect to comply with any of the provisions of this Zoning Ordinance, or in the case of any false statement or misrepresentation made in the application for the permit. The Building Director shall notify the owner of such revocation in writing.

**D. Duration**

Permits for primary structures shall be valid for one (1) year. The Building Director may renew such permit if the renewal is requested in writing by the applicant prior to the expiration of the previous permit. Renewal shall be subject to inspection and payment of a fee as established by the Township Board. Permits for all accessory structures, such as decks, pools, garages, etc, shall be valid for six (6) months. The Building Director may renew such permit if requested in writing by the applicant and shall be subject to inspection and payment of fees as set forth in the Township Fee Ordinance.

If no inspections have been performed for six (6) months or more such zoning permit shall be automatically revoked.

**E. Zoning Inspections**

It shall be the duty of the holder of every permit to notify the Building Director of the time when the work subject to the permit is ready for inspection. It shall be the duty of the Building Director or other designated zoning official to inspect work performed under an approved permit to verify compliance with the provisions of this Zoning Ordinance.

**SECTION 1.09. Certificates**

No land, building, or part thereof, shall be occupied by or for any use for which a Building Permit is required unless and until a certificate of occupancy has been issued for such new use. The following shall apply in the issuance of any certificate:

**A. Certificates Not to Be Issued**

No certificates of occupancy shall be issued for any building, structure or part thereof or for the use of any land, which is not in compliance with all the provisions of this Zoning Ordinance.

**B. Certificate of Occupancy**

No building or structure, or parts thereof, which is hereafter erected or altered, shall be occupied or used or permitted to be occupied or used unless and until a Certificate of Occupancy has been issued for such building or structure.

**C. Certificates of Occupancy as Required by the Commerce Charter Township Code**

Certificates of occupancy, as required by the Commerce Charter Township Code for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute certificates of occupancy as required by this Zoning Ordinance.

**D. Certificates for Existing Buildings**

Certificates of Occupancy may be issued for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, it is found that such buildings, structures or parts thereof, or such use of land, are in conformity with the provisions of this Zoning Ordinance.

**E. Records of Certificates**

A record of all certificates issued shall be kept on file in the office of the Building Director.

**F. Certificates for Dwelling Accessory Buildings**

Buildings accessory to dwellings shall not require separate certificates of occupancy but may be

included in the Certificate of Occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwellings.

**G. Applications for Certificates**

Applications for Certificates of Occupancy shall be made in writing to the Building Department on forms furnished by the Township and such certificates shall be issued within ten (10) business days after receipt of such application if it is found that the building or structure, or part thereof: or the use of land is in accordance with the provisions of this Zoning Ordinance. If such certificate is refused for cause, the applicant therefore shall be notified of such-refusal and cause thereof within the aforesaid ten (10) day period.

**H. Temporary Certificates of Occupancy**

A temporary certificate of occupancy may be issued if the property owner is in compliance with the Township Ordinances for a portion of a building or structure in the process of erection or alteration. Any temporary certificate of occupancy shall require completion of site improvements within a stated time.

1. **Duration of Certificates of Occupancy.** A temporary certificate of occupancy shall not be effective for more than six (6) months. Thereafter occupancy may only be continued under a final Certificate of Occupancy.
2. **Unfinished Site Improvements.** All unfinished site improvements which are included on an approved site plan or which are otherwise required by this Zoning Ordinance shall be constructed, installed, or placed on the property and shall be approved by the Township by the time set forth on the temporary Certificate of Occupancy, but in no case later than six (6) months after obtaining a temporary Certificate of Occupancy.
3. **Performance Guarantees for the Non-single Family Residential Structures.** An applicant seeking occupancy of premises other than a single family residential dwelling, prior to the completion of all construction in accordance with an approved site plan and without meeting all of the requirements of the Township's Ordinances shall deposit a performance guarantee as provided by this Zoning Ordinance, in an amount equal to one hundred twenty-five percent (125%) of the estimated cost of the remaining improvements. As used in this subsection, improvements are defined as those features and actions associated with the project which are considered necessary by the body or official granting zoning approval to protect natural resources or the health, safety, and welfare of the residents of the Township. Failure to maintain the performance guarantee in the required amount shall result in termination of the temporary Certificate of Occupancy and the structure shall be vacated immediately.
4. **Performance Guarantees, for Single Family Residential Structures.** Whenever an applicant seeks occupancy of a single family residential dwelling prior to the completion of all construction in accordance with an approved site plan and the requirements of the Township's Ordinances, an applicant shall be required to provide an amount up to one hundred twenty-five percent (125%) of the actual cost of completion of all construction and site improvements. The estimate of said costs shall be solely at the discretion of the Building Department and engineers employed by the Township. As used in this subsection,

improvements are defined as those features and actions associated with the project which are considered necessary by the body or official granting zoning approval to protect natural resources or the health, safety, and welfare of the residents of the Township. Failure to maintain the performance guarantee in the required amount shall result in termination of the temporary Certificate of Occupancy and the structure shall be vacated immediately.

**I. Final Certificate of Occupancy, Minor Exterior Improvements Not Completed**

A final Certificate of Occupancy may be issued if the property owner is entitled to a final Certificate of Occupancy under the Building Code if the Building Director finds that there are minor exterior site plan requirements that remain to be finished, provided there is compliance with the additional requirements of this subsection.

1. **Unfinished Site Improvements:** All unfinished site improvements which are included on an approved site plan or are otherwise required by this Zoning Ordinance, shall be constructed, installed, or placed on the property and approved by the Township Building Department within six (6) months of obtaining a final Certificate of Occupancy.
2. **Performance Guarantees For Non-Single Family Residential Structures:** Whenever an applicant seeks occupancy of premises other than a single family residential dwelling prior to the completion of all construction in accordance with an approved site plan and the requirements of the Township's ordinances, the applicant shall deposit a performance guarantee as provided by this Zoning Ordinance, to the Township in an amount equal to two hundred percent (200%) of the estimated cost of the remaining improvements. The estimate of said costs shall be solely at the discretion of the Building Director and the engineers employed by the Township. As used in this subsection, improvements are defined as those features and actions associated with the project which are considered necessary by the body or official granting zoning approval to protect natural resources or the health, safety, and welfare of the residents of the Township.
3. **Final Certificate for Single Residential Structures.** Whenever an applicant seeks occupancy of a single family residential dwelling, prior to the completion of all construction in accordance with an approved site plan, the Township's Ordinances and requirements, the applicant shall be required to post an amount equal to two hundred percent (200%) of the estimated cost of the remaining improvements. The estimate of said costs shall be solely at the discretion of the Building Director and engineers employed by the Township. As used in this subsection, improvements are defined as those features and actions associated with the project which are considered necessary by the body or official granting zoning approval to protect natural resources or the health, safety, and welfare of the residents of the Township.

**J. Grading Statement**

Permanent Certificates of Occupancy shall not be issued until a grading statement has been received and approved by the Building Director. Temporary Certificates of Occupancy may be

issued as provided in this Zoning Ordinance if a performance guarantee is posted with the Township in the amount specified by the Township Fee Ordinance. Performance guarantees shall be released only upon satisfactory completion of grading and the submission and approval of a grading statement. The grading statement shall indicate that the final grade has been established in accordance with the approved grading plan (subdivision, condominium or other approved site plan) and must include the following:

1. Building permit number
2. Date permit was issued
3. Site address
4. Legal description of property
5. Date of survey
6. Signature and seal of land surveyor or engineer registered and licensed in the State of Michigan.
7. A site plan with “as built” elevations shown at grade points. The site plan must show elevations on adjacent property within 15 feet of the property line. Final “as built” grades shall be in substantial compliance with the approved site plan with an allowable tolerance of plus or minus 0.25 feet.

For sites that do not have an approved grading plan, the grading statement shall contain the information required by this section and in addition shall establish the following:

1. Drainage across the site has not significantly changed as a result of construction on the site.
2. Drainage from adjoining sites is not blocked or adversely affected.
3. Final grade is within 1.5 feet from the pre-construction grade.
4. Drainage is directed away from all structure(s) including any walkout basement.
5. Water will not pool on the site except in designated areas.

A grading statement shall not be required for landscaping projects and gardening.

#### **K. Violations**

The person, firm or corporation occupying a building or structure without a final or temporary Certificate of Occupancy or occupying a building or structure with a temporary or final Certificate of Occupancy but in violation of the time limits and/or conditions set forth by this section shall be in violation of this Zoning Ordinance giving rise to the penalties and remedies provided herein.

1. Building and zoning permits shall be denied to any person, business, firm or corporation in whose name the building permit was issued and who occupies a building illegally. This section applies to all other buildings owned or held by the responsible person, business, firm, corporation or party within the business, firm or corporation.

**L. Failure to Obtain Certificate of Occupancy**

The Township, in addition to the remedies and penalties contained elsewhere in this Zoning Ordinance and its other Ordinances, shall have the discretion to take the following actions to insure the property and buildings are not illegally occupied:

1. **Notice to public.** Notice shall be posted on the building or structure in a conspicuous location that notifies the public that the structure is being occupied illegally. The notice shall contain the following:
  - a. A warning that states entering said structure may be dangerous because the structure has not been determined to be safe by the Building Department.
  - b. A list of conditions necessary to satisfy this Zoning Ordinance.
  - c. A warning that if the violations are not corrected within one (1) full working day, the Township has the authority to deny access to the premises, building or structure.
2. **Show Cause Hearing.** The owner, permittee or person occupying the structure may request a hearing before the Building Director within one (1) full business day of the posting of the notice to the public to show cause why access should not be denied to the structure. Access will not be denied if the owner, permittee or person occupying the structure can show compliance or mistake. The burden of proof is on the party challenging the closure of the premises.
3. **Denial of Access.** If the holder of the permit or the person occupying the structure fails to correct the violations within one (1) full business day after notice is posted, the Township shall have the authority to deny access to the premises, building or structure until it is in full compliance with this and all other ordinances and requirements.

**M. Final Inspection**

The holder of every Building Permit for the construction, erection, alteration, repair or moving of any building, structure, or part thereof, shall notify the Building Director immediately upon the completion of the work authorized by such permit, for a final inspection.

**SECTION 1.10. Fees**

- A. The Township Board shall, in its Fee Ordinance, establish a schedule of fees for all permit applications and other reviews and approvals required by this Zoning Ordinance, subject to the following:
  1. **Purpose.** These fees shall be used for the purpose of defraying the cost of reviews, inspections, and the issuance of zoning approvals, permits or certificates required or issued under the provisions of this Zoning Ordinance.
  2. **Fee for service.** Required fees may be collected by the Township in advance of the performing of the service or issuance of permits or certificates. No action shall be taken on any application or appeal until the application is accurate and complete and all applicable fees, charges, and expenses have been paid in full.

3. **Fees in escrow for professional reviews.** The Township may require an escrow deposit with any application for approval under this Zoning Ordinance, where professional input and review is desired before a final decision is made. The escrow shall be used to pay professional review expenses of engineers, attorneys, community planners, and any other professionals whose expertise the Township values to review the proposed application.
  - a. The amount of the escrow deposit shall be established based on an estimate of the cost of the services to be rendered by the professionals. Any unused escrow balance shall be returned to the applicant within 60 days of final Township action on the applicant's request, or within 60 days of withdrawal of the request by the applicant. If actual professional review costs exceed the amount of an escrow, the applicant shall pay the balance due prior to receipt of any zoning permit or other approval issued by the Township.
  - b. The professional review may result in a written report indicating the extent of conformance or nonconformance with this Zoning Ordinance, and identifying any problems that may create a threat to public health, safety or the general welfare. Mitigation measures or alterations to a proposed design may be identified where they would serve to lessen or eliminate identified impacts. The applicant will receive a copy of any written reports and statement of expenses for the professional services rendered, upon request.

**SECTION 1.11. Performance Guarantees**

- A. To ensure compliance with this Zoning Ordinance and faithful completion of improvements shown on an approved site plan or required as part of any zoning approval authorized under this Zoning Ordinance, the Township may require that the applicant deposit with the Township a performance guarantee to cover the cost of such improvements. Requirement of such performance guarantees by the Township shall be governed by the Commerce Charter Township Code and administered in accordance with the following:
  1. Such guarantees shall be deposited prior to the start of work or issuance of any permits.
  2. “Improvements” shall include but not be limited to those features, upgrades and enhancements associated with the project considered necessary by the approving authority to protect natural resources, or the health, safety, and general welfare of residents of the Township and future users of the project including, but not limited to roadways, shared driveways, lighting, utilities, sidewalks, landscaping and screening, and drainage.

**SECTION 1.12. Violation and Penalties**

- A. The violation of any provision of this Zoning Ordinance by any firm, corporation, person or persons, or anyone acting on behalf of said person, persons, firm or corporation is a

municipal civil infraction, for which the fine shall be as set forth in the Township's Fee Ordinance.

1. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Zoning Ordinance.
  2. Any violation of this Zoning Ordinance is a nuisance per se and may be abated by the Circuit Court through injunctive relief.
  3. For purposes of this Section, the term “subsequent offense” shall mean a violation of the provisions of this Zoning Ordinance committed by the same person within 365 calendar days of a previous violation of the same provision for which the person admitted responsibility or was found responsible by the court.
  4. Each day that a violation is permitted to exist shall constitute a separate offense. Offenses committed on subsequent days within a period of seven (7) calendar days following the issuance of a citation for a first offense shall all be considered separate first offenses.
- B. It shall be the duty of the property owner and all persons having responsibility for the establishment of any use or the construction, alteration or demolition of any structure or site to verify that such work is not in violation of this Zoning Ordinance. Persons having responsibility for work in violation of this Zoning Ordinance shall be deemed responsible for such violations to the same extent as the property owner.