

## **CHARTER TOWNSHIP OF COMMERCE**

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CHARTER TOWNSHIP OF COMMERCE, OAKLAND COUNTY, MICHIGAN TO BE KNOWN AS CODE AMENDMENT ORDINANCE NO. 1.007.

**The Charter Township of Commerce ordains:**

### **SECTION 1 –PURPOSE**

The purpose of this Ordinance is to amend Chapter 30 of the Code of Ordinances, Charter Township of Commerce, Oakland County, Michigan, to:

- a. define and regulate persons doing business in the township as transient merchants;
- b. to ensure that citizens of the township are protected by Public Act No. 51 of 1925 (MCL 445.371, et seq., MSA 19.691, et seq.), requiring transient merchants to be licensed and bonded through the county treasurer;
- c. to establish a township permit procedure for transient merchants;
- d. to promote and encourage stable, responsible businesses that will enrich the township's ambiance and be assets to public security;
- e. to provide an information record with regard to the persons who will be engaged in transient merchant sales activities in the interest of avoiding irresponsible and/or fraudulent sales activities in the township; and
- f. to serve and protect the health, safety and welfare of the general public.

### **SECTION 2 – AMENDMENT**

Chapter 30, Article V, of the Code of Ordinances, Charter Township of Commerce, Oakland County, Michigan, is hereby created to read as follows:

#### **Sec 30-59. Definitions**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

a. *Charitable group* and *nonprofit group* mean a group, entity, association, organization or individual which is, or is part of, a bona fide religious, charitable or nonprofit activity of a type that is not required by applicable Michigan law to pay real property taxes on property due to its nonprofit status. Persons do not qualify as a charitable or nonprofit group under this article unless all proceeds from sales in the township are given to the bona fide charitable or nonprofit group.

b. *Goods, services, wares or merchandise* means, without limitation, fruits, vegetables, farm products or provisions, dairy products, fish, game, poultry, meat,

seafood, plants, flowers, appliances, wearing apparel, jewelry, ornaments, artwork, cosmetics and beauty aids, health products, medicines, household needs or furnishings, toys, games, food of any kind, whether or not for immediate consumption, confections or drinks, or any other goods, wares or merchandise of any kind or services of any kind.

c. *Person* is defined as set forth in Section 1-2 of this Code and for purposes of this article, shall include charitable and nonprofit groups.

d. *Sale* or *retail sale* means a retail transaction in which goods, services, wares or merchandise are offered or sold to the public, in person, in exchange for money, other property or consideration of any kind, or the promise to pay money, other property or consideration of any kind.

e. *Transient merchant* means any person engaging temporarily in a retail sale of goods, wares, or merchandise, in any place in the township and who, for the purpose of conducting business, occupies any property, building, room, or structure. Transactions of business of this nature by any person for a period of less than six (6) months consecutively shall be prima facie evidence that such person is a transient merchant. However, the term shall not apply to any of the following:

- i. Subject to township Zoning Ordinance regulations related to farm sales, any person operating a roadside stand for the purpose of selling only produce raised or produced by the proprietor of the stand or his family on the same property, which stand is in all other respects in compliance with the township Zoning Ordinance;
- ii. A person selling goods, services, wares or merchandise of any description raised, produced, or manufactured by the individual offering the same for sale.
- iii. Any individual under the age of twelve (12) years old operating a refreshment stand on or adjacent to property owned or occupied by his or her parents or guardian;
- iv. Any person conducting a garage sale as defined in the township Zoning Ordinance on private residential property which is owned or occupied by the person conducting the garage provided that the number of garage sales conducted on the premises does not exceed three (3) per year, January to January, each sale lasts no more than four (4) consecutive days and no new goods of any nature are brought in from any other source in connection with the garage sale;
- v. A person soliciting orders by sample, brochure, or sales catalog for future delivery or making sales at residential premises pursuant to an invitation issued by the owner or legal occupant of the premises.
- vi. A person handling vegetables, fruits, or perishable farm products at any established township market.

- vii. A person operating a store or refreshment stand at a resort or having a booth on or adjacent to the property owned or occupied by him or her.
- viii. A person operating a stand at any carnival or on any fairgrounds.
- ix. A person selling at an art fair or festival or similar event at the invitation of the event's sponsor if all of the following conditions are met:
  - (1) The sponsor is the township or nonprofit organization.
  - (2) The person provides the sponsor with the person's sales tax license number.
  - (3) The sponsor provides a list of event's vendors and their sales tax license numbers to the county treasurer and the state treasurer.
- x. A proprietor of a permanent retail sales business conducting a sidewalk sale on the same property as the proprietor's conforming permanent retail sales business, at which the proprietor displays and offers for sale the goods, wares and/or merchandise of such permanent retail sales business on the property provided the person has not conducted a sidewalk sale at that location within the proceeding six (6) months and such sale does not last longer than seven (7) consecutive days.
- xi. Any person lawfully engaging in the indoor sale of goods, services, wares or merchandise inside a shopping center or mall with the permission of the owner of the premises.

Sec 30-60. Transient Merchant Permit Required; Application; Fees

a. No person shall act as a transient merchant within the township without having first applied for and obtained a permit from the township clerk for each location at which the person intends to sell goods, services, wares or merchandise. A transient merchant shall obtain a separate permit for each location at which the transient merchant intends or desires to operate as a transient merchant selling goods, services, wares or merchandise.

b. At least fourteen (14) days in advance of the date for which any person seeks a transient merchant permit, that person shall submit to the township clerk all of the following information and materials to the township clerk as part of such application:

- i. A valid sales tax license for the applicant's business issued by the state.
- ii. A valid transient merchant license issued by the Oakland County Treasurer.
- iii. A nonrefundable application review fee and a permit fee in amounts set forth in the township Fee Ordinance to be applied for the review

and processing of the application, monitoring of the activity, and inspection of the premises.

- iv. Written evidence of deed, land contract, lease or license agreement which substantiates permission for the applicant to operate a transient merchant business at each location at which the transient merchant will be located for the period of time that the applicant proposes to operate as a transient merchant. Additionally, there must be a written authorization signed by the occupant and owner of the property, specifying the days, dates and hours for which such authorization has been granted, and the purpose for which the authorization has been granted.
- v. Completion of a sworn application signed by the applicant stating the following, which shall, where applicable, refer to each location at which the transient merchant intends or desires to sell goods, services, wares or merchandise:
  - (1) The name of the person having the management or supervision of each location of the applicant's business during the time that it is proposed that it will be carried on in the township; the local address of such person while engaged in such business; the permanent address of such person; the capacity in which such person will act, e.g., as proprietor, agent or otherwise; the name and address of the person for whose account the business will be carried on, if any; and, if a corporation, under the laws of what state the corporation is incorporated.
  - (2) Whether there is presently a pending criminal charge or an active law enforcement complaint against the applicant or person designated as manager by the applicant, during the past twenty-four (24) months preceding the date of the application, and an identification of the charges, and the arresting agency.
  - (3) Each criminal offense, except misdemeanor traffic offenses, of which the applicant or the person designated as manager by the applicant has been convicted, including the location and date thereof, the nature of the offense, the arresting agency and, other than fines and costs, the punishment assessed therefore.
  - (4) All locations in the township where the applicant proposes to carry on transient merchant sales, and the days, dates and hours during which it is proposed that said business shall be conducted.
  - (5) All places of business in the last twelve (12) months, whether or not licensed as a transient merchant, at which the applicant engaged in any retail sale of goods, services, wares or

merchandise, including the location and duration of such business, whether an employee or owner thereof.

- (6) A statement describing all of the following: the nature, character and quality of the goods, services, wares and merchandise to be sold or offered for sale by the applicant; the invoice value and quantity of such goods, services, wares and merchandise; whether the same are proposed to be served from stock in possession or by sample, at auction, by direct sale or by taking orders for future delivery; where the goods, services, wares and merchandise proposed to be sold are manufactured or produced; and where such goods, wares, merchandise and products are located at the time such application is filed.
  - (7) A brief statement of the nature and character of the advertising done or proposed to be done in order to attract customers.
  - (8) The location and description of any building or structure the applicant intends to use for the operation of the transient merchant business; the hours of operation; the number of consecutive days the applicant will remain at the fixed location conducting transient merchant sales; the name, telephone number and current street and mailing address of all persons owning the property at which the applicant intends to conduct his or her transient merchant business.
  - (9) The full name, current street and mailing address, telephone number and age of each person to be engaged in sales at each location.
- vi. A scale drawing of the proposed site, showing and identifying all things and activities as identified and set forth in Section 30-61(b)(vi) of this article.
  - vii. Written certification from the township planning department that the applicant's proposed use of the proposed site is a permissible and conforming use pursuant to the property's approved site plan, if any, and the township Zoning Ordinance provisions applicable to the property, and that all uses, proposed, and any building, structure and shelter to be used by the transient merchant's operation on the property are in compliance with all applicable ordinances and Codes.
  - viii. Written certification from the department of the township treasurer that there are no delinquent taxes, fees or financial obligations which the person seeking the application owes the township.

Sec 30-61. Transient Merchant Permits; Issuance; Conditions; Expiration

a. The township clerk shall review the application. In reviewing the application, the township clerk may refer the application, or any portion thereof, to township departments and consultants for review and verification as the clerk deems necessary. Where the clerk determines that review by the township's professional consultants is necessary, the applicant shall establish an escrow account with the township for the cost of such review. If all requirements for the permit are met as provided in this article, the clerk shall issue a permit to the applicant. If, upon review, the clerk determines that an application does not comply with the requirements of this article, the clerk shall inform the applicant of the reason or reasons for denial of the permit.

b. A transient merchant permit shall be conditioned upon and shall not be issued unless:

- i. There is safe access to and from the location of the activity, and adequate parking.
- ii. There are sanitary bathroom facilities on the premises provided by, or available to, the transient merchant and all employees of the transient merchant that are screened from the road and from any residential property.
- iii. All transient merchant activities are to be more than thirty (30) feet from the front property line, and more than ten (10) feet from the side and rear property lines, and any structure erected or used in connection with transient merchant activities or sales shall comply with all setback requirements of the township Zoning Ordinance.
- iv. There is adequate provision for solid waste disposal.
- v. The transient merchant's uses, activities, structures, buildings, shelters and signs, if any, conform with the township Zoning Ordinance and all other provisions of this Code.
- vi. A site plan for the proposed uses, structures, buildings and shelters of the site has been submitted to and approved by the township planning commission. Such site plan shall be drawn to a minimum scale of 1" = 40' and not exceed a maximum scale of 1" = 10'. All such plans shall contain the following information:
  - (1) Applicant's name, address, telephone number and name of township, city or village of residence;
  - (2) Scale;
  - (3) Northpoint;
  - (4) Dates of submission and revisions (month, day, year);
  - (5) All existing easements;

- (6) Property lines and dimensions;
  - (7) Site access (e.g. curb cuts);
  - (8) Location of all proposed structures and displays of merchandise;
  - (9) Off-street parking areas for employees and customers;
  - (10) A detail of any proposed advertising signage showing overall sign area (sq. ft.), height, materials and location;
  - (11) Location of restroom facilities;
  - (12) The boundaries within which the transient merchant sales and activities will occur; and
  - (13) Solid waste disposal methods or facilities.
- vii. The transient merchant's structures, buildings, shelters and signs, if any, shall conform with and have separately received all approvals otherwise required under the township Zoning Ordinance and all other applicable provisions of this Code.
  - viii. Compliance with all provisions of this article, all other applicable laws and provisions of this Code.
  - ix. The transient merchant has not had a transient merchant permit revoked in the past five (5) years.
- c. A permit issued under this section shall contain the following information:
    - i. The name, address and telephone number of the transient merchant.
    - ii. The location at which the transient merchant sales activities may be conducted, including, as specifically as possible, the boundaries of such activity.
    - iii. The days, dates and times the transient merchant sales activity may be conducted at each location.
    - iv. A description of the goods, services, wares or merchandise authorized to be sold.
    - v. The name and address of each person to be engaged in the transient merchant sales.
- d. Any permit granted hereunder shall be effective for a period of thirty (30) calendar days from the date of issuance. Any sales under an expired permit shall be a violation of this article.

Sec 30-62. Regulations And Prohibitions

a. No transient merchant or anyone acting on the transient merchant's behalf, shall engage in a course of conduct or by repeatedly committing acts that insult, accost, molest, or otherwise alarm or annoy, either by word of mouth, sign, or motion, any person in any public place exclusive of constitutionally protected activity or conduct that serves a legitimate purpose. No transient merchant or anyone on his or her behalf, shall engage in any disturbance, fight, or quarrel in a public place; utter vile, profane, or obscene language in any public place; disturb the public peace and quiet by loud, boisterous, or vulgar conduct.

b. Following the issuance of a transient merchant permit by the township clerk, there shall be no alterations in the size, dimensions, location or use of the area, building, shelter or structure utilized by the transient merchant without first applying for and obtaining a new permit under this article and unless such alterations are in compliance with the requirements of all applicable ordinances and Codes.

c. A transient merchant conducting any business or sales under a permit granted pursuant to this article shall not expand or change the nature, character or quality of the goods, services, wares or merchandise to be sold or offered for sale to anything other than that which was represented in the application signed and submitted to the township clerk under this article.

d. No transient merchant shall engage in the sale of, or offer for sale, any goods, services, wares or merchandise other than those goods, services, wares and merchandise identified in a transient merchant permit issued under Section 30-61.

e. No transient merchant shall engage in the sale of, or offer for sale, any goods, services, wares or merchandise at any location other than the fixed location identified in a transient merchant permit issued under Section 30-61.

f. Transient merchant sales shall only be conducted during the days and dates identified on a transient merchant permit issued under Section 30-61.

g. Transient merchant sales shall only be conducted between the hours of 8:00 a.m. and 11:00 p.m., or during more restrictive hours identified in a transient merchant permit.

h. All transient merchants, and their agents and employees, shall at all times display in a place open and visible to the general public, at each location at which the transient merchant shall be located for the period of time that the transient merchant operates as a transient merchant, a valid township permit obtained under this article, and a valid state sales tax license, and shall produce them on demand of any law enforcement officer.

i. No transient merchant sales activities shall be conducted within a public right-of-way, or in or upon any public building, structure, park, place, way, or other public property, without advance authorization from the township board. Such



authorization may only be granted to a transient merchant who has submitted an application meeting the requirements of this article to the township clerk.

j. Each person engaged in transient merchant sales shall have valid state picture identification on his or her person, and shall display such identification and permit upon request of a law enforcement officer.

k. All transient merchant sales and activities on private property must be a permitted and approved use on such property in accordance with the township Zoning Ordinance and shall comply with all other applicable provisions of this Code.

l. If a promotional or advertising sign is to be utilized, such sign shall otherwise comply with all provisions of this Code and the township Zoning Ordinance applicable to commercial signs.

m. A transient merchant in possession of a permit granted pursuant to this article shall notify the township clerk of any change in any of the information provided as part of the application submitted pursuant to this article within five (5) days of such change.

n. No transient merchant shall block or impede any road, shared driveway, parking lot, sidewalk, pathway or building entrance or exit.

o. All transient merchants shall at all times keep the sidewalks, parking lots and other spaces within and adjacent to their site or location clean and free of litter, garbage and refuse of any kind generated from the operation of their business.

p. At the time of concluding or terminating any transient merchant sales at a particular location, the transient merchant shall remove from the property and properly dispose of all materials, structures, displays, garbage and refuse used in connection with or resulting from the transient merchant's activities at that location. The cessation of transient merchant sales for a period of forty-eight (48) hours or more is presumed to constitute a termination of transient merchant sales for purposes of this subsection.

#### Sec 30-63. Exemptions

a. Persons who, because of religious, civic, charitable or nonprofit nature or purpose, engage in transient merchant sales, may apply to the township board for waiver of any permit fees under this article or the township Fee Ordinance. A waiver may be granted by the township board if the charity or nonprofit group is recognized in official government filings, the activity lasts not longer than seven (7) days, and proof is submitted showing to the satisfaction of the township board in its discretion that the person, group or entity is a charitable and/or nonprofit group, including, but not limited to:

- i. The name, current street and mailing address and current telephone number of the group or entity;
- ii. The officers and/or principals of the group or entity;

- iii. The intended use of sale proceeds; and
- iv. Any and all written promotional materials utilized in connection with the transient vendor sales activity.

b. A transient merchant who is an honorably discharged member of the armed forces of the United States and who served at least one hundred eighty (180) days of active duty service in the armed forces or has a service connected disability as a result of that service shall be partially exempt from this article to the limited extent that such person shall not be required to apply for, obtain and pay a fee for a permit, if such person meets all of the following standards, provided, however, such person shall in all other respects comply with all other requirements and regulations set forth in this section and Section 30-62(a), (g), (l), (n), (o) and (p) of this article:

- i. All of the proceeds from the sale of the goods are to be used for the direct personal benefit or gain of that former member of the armed forces;
- ii. That former member of the armed forces possesses at the time of engaging in sales a valid peddler's license in his or her name, issued by the county clerk pursuant to Public Act No. 359 of 1921 (MCL 35.441, et seq.);
- iii. That former member of the armed forces, while engaged in the sale of his or her goods, conspicuously displays a sign at the place of sale stating the name of the veteran to which the county peddler's license has been issued, the peddler's license number, and the statement "The profit from the sale of this product is for my personal benefit," all in not less than 18-point bold-faced type;
- iv. At the time of sale of the goods by that former member of the armed forces, a written statement of not less than 12-point bold-faced type shall be printed on or attached to the goods, in substantially the following form: "The profit from the sale of this product is for my personal benefit";
- v. The goods being sold are goods owned by that former member of the armed forces; and
- vi. That former member of the armed forces is personally present at and personally engaged in each sale.

#### Sec 30-64. Permit Renewal

a. A transient merchant permit may be renewed, provided that the transient merchant has, prior to the expiration date of the current permit, submitted all of the following information to the township clerk:

- i. A written request for such renewal.

- ii. A sworn statement by the permittee stating that all of the materials and representations submitted as the permittee's original application remain true, valid, accurate and unchanged, or, if certain materials or circumstances have changed, the sworn statement must detail those changes, include updated materials as attachments and state that in all other respects the materials and representations submitted to the township as the permittee's original application remain true, valid, accurate and unchanged.
  - iii. Payment by the permittee of a non-refundable review fee where changes are proposed and a renewal fee in amounts as set forth in the township Fee Ordinance, to be applied for the review and processing of the renewal application, monitoring of the activity, and inspection of the premises.
- b. The township clerk shall review the materials submitted pursuant to (a), above. The clerk shall issue a permit to the applicant if all requirements for the issuance of a permit pursuant to this article continue to be met by the applicant, and only upon:
- i. The receipt and satisfactory verification of the contents and accuracy of the sworn statement submitted by the permittee pursuant to the above-listed subsection (a). In verifying such matters, the clerk may refer the matters to township departments and consultants for review and verification as the clerk deems necessary.
  - ii. A determination that the applicant is in full compliance with, and has not violated, the provisions of this article. In making such determination, the clerk may refer the matter to township departments and consultants for review and verification as the clerk deems necessary.
  - iii. Payment by the permittee of the renewal fee.
- c. If, upon review, the clerk determines that a renewal application does not comply with the requirements of this article, the clerk shall inform the applicant of the reason or reasons for denial of the permit.
- d. A permit may not be renewed more than twice within one (1) calendar year.

#### Sec 30-65. Permit Revocation

The township clerk may revoke any permit issued by him or her, for good cause shown, after giving the permittee notice and an opportunity to be heard during a hearing before the township supervisor, clerk and treasurer ("Full Time Officials") A permittee shall be given not less than five (5) days written notice of the date of a hearing by

certified mail to the permittee, at his last known address, or by any other manner providing actual notice. The notice of hearing for revocation of a permit shall identify the date, time and place of the hearing, and the alleged infractions or violations by the permittee. At the hearing, the permittee shall be given an opportunity to be heard, have the assistance of legal counsel, produce witnesses and evidence and cross examine witnesses. The Full Time Officials shall base any action upon competent and trustworthy evidence introduced at the hearing. At the conclusion of the hearing, the Full Time Officials may direct the clerk to revoke the transient merchant permit if a majority of the Full Time Officials find that any of the following exist or have occurred:

- a. Any fraud, misrepresentation or false statement made in connection with the selling of goods, services, wares or merchandise at the site of the transient merchant's sales.
- b. Any fraud, misrepresentation or false statement contained in the application for any permit issued to the transient merchant under this Code.
- c. Any violation of this article.
- d. Any conviction of the permittee of any felony or of a misdemeanor involving moral turpitude.
- e. Conducting transient merchant or transient vendor activities in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

#### Sec 30-66. Enforcement; Duty of Law Enforcement

- a. The Oakland County Sheriff, his deputies and any other officer designated by him may enter any premises for which a permit is issued pursuant to this article, or any premises at which transient merchant sales activities occur, at any time during business hours for the purpose of ascertaining the manner in which such business is conducted and to investigate complaints.
- b. It shall be the duty of the Oakland County Sheriff, his deputies or his designee, on behalf of the township to examine all places of business and persons in their respective territories subject to the provisions of this article to determine compliance with this article, and to enforce the provisions of this article against any person found to be violating the same.

#### Sec 30-67. Violations And Sanctions, Seizure Of Goods

- a. Violation of any section in this article is a municipal civil infraction.
- b. If the Oakland County Sheriff, his deputies or his designee has probable cause to believe that a person is engaging in business as a transient merchant in violation

of this article or without having first obtained a permit in the manner provided for in this article, then the Oakland County Sheriff, his deputies or his designee is authorized to immediately take into custody and impound all goods, wares and merchandise at any time offered for sale by the transient merchant until the matter has been adjudicated by a court of proper jurisdiction. The transient merchant may obtain his or her impounded goods wares and merchandise at any time prior to adjudication by paying, either in cash or by security bond, one thousand dollars (\$1,000.00) or an amount equal to the total value of the impounded property determined as of the time such items are impounded, whichever amount is greater. If the transient merchant is convicted for a violation of this article, the Oakland County Sheriff's Office shall release the impounded items to the transient merchant upon payment by the transient merchant within thirty (30) days of such conviction of an impoundment fee of five hundred dollars (\$500.00) or an amount equal to ten (10) percent of the value of the property impounded pursuant to this article determined as of the time of the impoundment, whichever amount is greater. If the transient merchant is convicted of a violation of this article and fails to pay an impoundment fee for the release of the impounded items within thirty (30) days, or if there is no disposition of the matter within one (1) year and no bond has been posted by the transient merchant for the items, the Oakland County Sheriff's Office shall dispose of all perishable items and shall sell all nonperishable impounded items by publishing notice in a newspaper of general circulation in the county at least five (5) days before the sale. The notice shall describe the property and shall state the time and place of public sale at which the impounded property may be purchased by the highest bidder. The Oakland County Sheriff's Office, or its designee, shall conduct the sale and shall retain from the proceeds of the sale an amount equal to the impoundment fee provided for in this subsection, plus all costs incurred by the Oakland County Sheriff's Office in connection with noticing and conducting the public sale. Any proceeds of the sale that exceed such impoundment fee and costs shall be made available for return to the transient merchant upon receipt of a request for such funds from the transient merchant within thirty (30) days of the date of the public sale. If no request is received within such time period, the funds shall be retained by the Oakland County Sheriff's Office. To the extent any goods impounded under this section consist of perishable items (for example and without limitation, food items or plant materials), such items shall be impounded and returned to the merchant in accordance with the terms of this section, but shall, notwithstanding any other provisions of this section, not be returned and shall be immediately disposed of by the Oakland County Sheriff's Office, if it is reasonably determined in the discretion of the Oakland County Sheriff's Office that such items have spoiled, died, or are no longer fit for human consumption, and the Oakland County Sheriff's Office shall have no liability or responsibility for the value or return of such items. In all events, the Oakland County Sheriff's Office shall have no liability or obligation whatsoever to preserve, or take any measures to preserve, perishable items lawfully impounded under this section.

c. In addition to, but separate from, the penalties and impoundment authority provided for in subsections (a) and (b) above, any violation of this article is presumed and hereby declared to be a nuisance per se, and the township may commence an appropriate

civil action in any court of competent jurisdiction for an injunctive order abating or enjoining the violation, and for any other appropriate relief.

Sec 30-68 – 30-88. Reserved

### **SECTION 3 – SEVERABILITY**

Should any provision or part of this ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of the balance of this ordinance, which shall remain in full force and effect.

### **SECTION 4 – REPEALER**

All other provisions of the Code of Ordinances, or ordinances or parts of ordinances, in conflict with this ordinance are hereby repealed only to the extent necessary to give this ordinance full force and effect.

### **SECTION 5 - SAVINGS CLAUSE**

Nothing in this ordinance shall be construed to affect any suit or proceeding pending in any court or any rights acquired or any liability incurred, or any cause or causes of action acquired or existing, under the Code of Ordinances, or any act or ordinance hereby repealed as cited in Section 4 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this ordinance.

### **SECTION 6 - EFFECTIVE DATE**

This ordinance shall take effect following publication in the manner prescribed by law. This ordinance shall be published in the manner provided by law.

## **SECTION 7 – ADOPTION**

This ordinance is hereby declared to have been adopted by the Township Board of the Charter Township of Commerce at a meeting duly called and held on the 10<sup>th</sup> day of November, 2009, and ordered to be given publication in the manner prescribed by law.

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Sandra Abrams, Clerk

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Thomas K. Zoner, Supervisor

Introduction:	October 13, 2009
Introduction Publication:	October 21, 2009
Adopted:	November 10, 2009
Adoption Publication:	November 18, 2009
Effective:	November 18, 2009