

RILEY TOWNSHIP – ST. CLAIR COUNTY
ARTICLE XI

PLANNING COMMISSION – SPECIAL APPROVAL USES

SECTION 1138. CONTRACTORS AND STORAGE OF COMMERCIAL VEHICLES AND EQUIPMENT:

A. Intent, Purpose and Objectives:

Contractors, such as but not limited to excavators, landscapers, haulers and snow removal businesses may be allowed to store commercial vehicles in the AR and RC districts, subject to and conditioned upon the following:

B. Definitions:

Commercial Vehicle: For the purpose of this Ordinance a commercial vehicle shall be defined as any motorized vehicle and/or trailer used for conducting business for hire. These vehicles include, but are not limited to automobiles, trucks, vans, buses, trailers and construction equipment. The commercial vehicle(s) may be lettered, have a magnetic sign(s), vehicle wrap advertisement, a DOT Number, or may be void of company identification completely.

C. General Requirements:

1. A single commercial vehicle is not required to have a special approval per this Ordinance if used by property owner(s), or a person(s) residing in the residence full-time.
2. The business for which the commercial vehicle(s) are used shall be the owner-operator type and an accessory to the residence where the owner-operator lives.
3. All such uses shall be located on roads the said commercial vehicles are permitted to be legally driven, in accordance with State and County transportation rules and regulations.
4. All commercial vehicles are to be stored at least one-hundred (100') feet from all property lines. The Planning Commission reserves the right to increase this requirement where additional protection(s)/shielding is required for adjacent properties and/or uses.
5. The number of commercial vehicles shall be limited to two (2) on site. For purposes of this Ordinance, a truck and a trailer normally used together, such as a trailer used in conjunction with a commercial vehicle shall be counted as one (1) vehicle. A piece of equipment stored on a trailer shall not be counted as an additional vehicle. The Planning Commission reserves the right to increase the designated number of commercial vehicles allowed on site if conditions warrant the increase, such as but not limited to size of parcel.
 - a. Commercial vehicles stored overnight within an enclosed building shall not be counted towards the above quantity requirement.
 - b. An inventory listing of all commercial vehicles/equipment located on and/or stored on the site for at least a total of one (1) day and one (1) night during the year must be submitted to Riley Township Zoning Administrator by April 1st of each year to ensure compliance and/or conditions are being met.
 - c. A yearly onsite inspection by the Zoning Administrator to be completed by June 1st of each year shall be performed to verify the accuracy of the submitted inventory list, and to confirm all Ordinance requirements, and/or conditions of approval are being met, along with any additional inspections deemed necessary by the Zoning Administrator. All inspections are with prior notice and at the expense of the applicant.

6. Adequate off-street parking shall be provided/designated to serve the expected number of users of the commercial vehicles. Vehicles are strictly prohibited from parking on the street.
7. All work, repairs and/or maintenance shall be limited to the commercial vehicles of the property owner-operator; and shall be allowed &/or permitted only during the hours of operation as established in the special use approval permit. When possible, any repairs and/or maintenance shall be conducted in an enclosed building.
8. Full and adequate measures shall be taken to prevent the discharge and/or release of any oil, fuel and hazardous/toxic chemicals, substances and/or materials. Full and adequate prevention, containment, and remediation plans shall be maintained provided by the owner-operator. Proof of these plans shall be provided to Riley Township.
9. The Planning Commission may require additional conditions such as, but not limited to:
 - a. Landscaped greenbelt/berm to be installed to provide proper screening of the commercial vehicles from adjacent properties.
 - b. Hours of Operation shall be allowed/permitted as established by the Planning Commission.
 - c. Number of commercial vehicle(s) and/or truck trip(s) per day.
 - d. All lighting shall be shielded, and directed as to prevent unwanted and/or excessive glare, illumination and/or interference to the neighboring properties. Dark-sky compliance may be required.
 - e. No signs are to be permitted.
 - f. Additional materials may be allowed in some cases to be stored onsite and/or removed from the site.
 - g. Measures to reduce noise levels, fumes, changes in the normal traffic patterns of the area, and any additional conditions deemed necessary by the Planning Commission to protect the health, safety, and general welfare of adjacent and nearby properties, residents, and the community as a whole.

D. Enforcement: The Zoning Administrator (and his/her designees), OEO, and Riley Township Inspectors are authorized and directed to enforce all of the provisions of this Ordinance. This authority empowers such individuals to perform any necessary inspections, including entering upon Private property upon due notice and as allowed by law, and to issue related citations for the enforcement of this Ordinance.

E. Penalties

1. Written Notice:

- a) The Zoning Administrator (his/her designees), Ordinance Enforcement Officer (OEO) and/or Riley Township Inspectors must provide a written ten (10) day notice of violation to be sent to the owner of the property on which the Special Use Permit is located.
- b) The notice will indicate the nature and location of the violation(s) and will order the action needed to achieve compliance with this Ordinance.
- c) When good faith efforts to bring the Special Use Permit into compliance have begun within the ten (10) days of notice violation, the said Township officials may extend the time period for compliance to a period not to exceed a total of thirty (30) days maximum, with the day count to begin from ten (10) day notice date.

- d) Township reserves the right to suspend and/or revoke Special Use permit(s) due to violations of this Ordinance and/or violations of any permit special conditions and/or applicable codes.
- e) The Township may pursue all available remedies if compliance to the Ordinance and/or violation notice has not been achieved within the said period of time.
- f) The Zoning Administrator (his/her designees), OEO, and/or Riley Township Inspectors shall order discontinuance of any illegal work being done with an immediate stop order and shall take any additional action needed to ensure compliance with or to prevent violation of the provisions of this Ordinance and/or Riley Township Ordinances.

F. Violation Fees/Costs: Any person, firm or corporation violating any of the provisions of this Ordinance shall be subject to the following penalties:

1. Violations constitute a municipal civil infraction punishable upon conviction by a fine not to exceed five-hundred (500) dollars, plus any actual costs that may be awarded by a court of law. Each day the violation exists shall constitute a separate offense in the law in the amount of five-hundred (500) dollars each offense. In addition to the foregoing penalties, anyone convicted of violating this Ordinance under this provision shall be assessed all costs associated with the prosecution, including but not limited to all actual costs incurred by the Township during the inspections, notifications, legal preparations, Township time spent, court fees/cost(s), and actual attorney fees.
2. If an applicant or operator fails to comply with this Ordinance, the Township in addition to any other remedy may revoke this special use permit approval and/or site plan approval after giving the applicant or operator written notice, and opportunity to be heard.

G. Validity: This Ordinance and the various parts, sentences, paragraphs, sections and clauses it contains are hereby declared to be severable. Should any part, sentence, paragraph, section or clause be declared unconstitutional or invalid by any court for any reason, such judgement shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid. Furthermore, should the application of any provision of this Ordinance to a particular property, parcel(s), lot, building, structure, or use be adjudged invalid by any court, such judgement shall not affect the application of said provision to any other property, parcel(s), lot, building, structure, or use in the Township, unless otherwise stated in the judgement.

H. Repeal: The Zoning Ordinance previously adopted by Riley Township prior to the adoption of the ordinance from which this chapter is derived, and all amendments thereto are hereby repealed on the effective date of this Ordinance. The repeal of the above Ordinance and its amendments does not affect or impair any act done, offense committed or right accruing, accrued, or acquired, or any liability, penalty, forfeiture or punishment incurred under such Ordinance, or any part thereof, prior to the time enforced, prosecuted, or inflicted under the said Ordinance repealed.

I. Effective Date: This Ordinance shall take full effect upon the expiration of seven (7) days after publication, unless otherwise provided by law.