

ORDINANCE NO. 48

PRIVATE ROAD ORDINANCE

Adopted October 12, 1998
Amended December 14, 1998 by Ordinance No. 48-A
Amended September 18, 2000 by Ordinance No. 48-B
Amended February 12, 2001 by Ordinance No. 48-C

AN ORDINANCE TO REGULATE THE DESIGN, CONSTRUCTION, INSPECTION, APPROVAL, AND MAINTENANCE OF PRIVATE ROADS AND DRIVEWAYS WITHIN THE TOWNSHIP.

The Township of Grant Ordains:

SECTION 1: Intent:

The intent of this ordinance is to provide sufficient access to all structures for emergency and rescue vehicles, and to insure private road quality on a continuing basis.

SECTION 2: General Requirements:

1. This Ordinance shall apply to all land which is divided into parcels or lots.
2. No private road or driveway shall be constructed within the Township unless it is in compliance with the requirements of this Ordinance.
3. No certificate of occupancy for any structure shall be issued within the Township unless the parcel or lot fronts on a private road or driveway, improved to the standards of this ordinance or on a public road. Each lot or parcel shall have road frontage equal to the minimum lot width required by the applicable provisions of the zoning Ordinance or shall be served by an approved driveway.
4. Private roads shall not be dedicated to the Township.
5. Private roads shall not be maintained by the Township except pursuant to a duly established special assessment district.
6. Prior to construction of any private road or driveway, serving industrial, commercial and agricultural facilities, plans for it shall be reviewed and approved by the Planning Commission.

SECTION 3: Definitions

1. **Private Driveway:** A privately owned and maintained property, which is used for vehicular ingress and egress serving only one parcel or use.
2. **Private Road:** A privately owned and maintained road constructed on a privately owned easement serving two (2) or more parcels of land or residential building sites.

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3. **Proprietors:** Those constructing or desiring to construct a private road and all those property owners whose property is being or is intended to be served by a private road.

SECTION 4: Requirements for Driveways and Approvals:

1. A driveway meeting the minimum design standards in Section 4 of this ordinance shall be required under the following conditions:
 - A. If the rear of the principal use or ancillary use requiring a building permit is more than 75 feet from the right -of-way of a public or private road.
 - B. If the parcel or parcels of land, which otherwise meet all Township zoning requirements, have no frontage on a public or private road.
2. An application for a driveway serving property, which does not front on a road shall be filed with the Township Planning Commission. The application shall include a drawing, which shows the location, dimensions, and setbacks of all buildings and driveways, proposed or existing, on the subject property and within 300 feet of the subject property. The drawing shall also indicate the location and dimensions of any easement on which the driveway is proposed to be located.
3. The Planning Commission shall have the authority to modify the drawing as a condition of approval, so as to minimize any adverse effects on the surrounding properties and residential building sites.
4. Any driveway easement approved under this ordinance shall connect directly on to a private road improved to the standards of this ordinance or else on to a public road.
5. All driveways shall be located on a legally valid and recorded easement or other permanent interest in lands at least 66 feet in width.
6. If a pre-existing driveway serves more than one dwelling, a maintenance agreement meeting the requirements of Section 7 Paragraph 1-G shall be required.

SECTION 5: Minimum Design Standards for Driveways:

1. All trees and brush shall be cleared for a minimum width of fourteen (14) feet for the full length of all driveways.
2. All topsoil, stumps, and unstable soil shall be removed and back filled with appropriate sand. The driveway shall be surfaced and maintained with gravel, crushed limestone, finely crushed concrete or similar material for a minimum width of twelve (12) feet and minimum depth of four (4) inches for the full length of the driveway.
3. The surface of the driveway shall be properly drained so that water damage and frost heave will not impede access by emergency vehicles.
4. Driveway shall provide a minimum centerline radius of forty (40) feet for all curves

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to insure access by fire fighting equipment. In addition, the driveway shall provide minimum clearance from trees and brush of eighteen (18) feet through all curved sections.

5. No bridges shall be permitted as part of driveway construction unless they are certified by a registered engineer as capable of supporting a 30-ton fire truck.
6. Any structures, which span any driveway, shall maintain not less than fourteen (14) feet vertical and horizontal clearance.
7. A culvert, twelve (12) inch minimum diameter and twenty four (24) feet in length shall be provided where a driveway crosses the ditch center line. A minimum of eighteen (18) feet shall be covered with gravel or similar material (reference Section, Paragraph 2 with and equal amount of uncovered culvert on each side.

SECTION 6: Pre-Existing, Non-Conforming Driveways:

Pre-existing, non-conforming driveways in existence prior to the enactment of this Ordinance may continue without conforming to the requirements of this Ordinance; provided however that: If such driveway is to be expanded, constructed, or altered, including but not limited to the servicing of additional buildings, the same must then conform to the requirements of this Ordinance, without regard to its pre-existing status, unless excepted, upon application for a variance, because compliance would constitute hardship, or an impossibility such as insufficient area and additional area not being reasonably available; and provided further that these altered pre-existing private driveways shall be required to comply with Section 4 and 5 within one year of the effective date of this Ordinance, unless excepted, upon application for a variance.

SECTION 7: Requirements for Private Road Approvals:

1. Plans for a private road shall be submitted to the Township Planning Commission for review. Materials submitted shall include:
 - A. All Permit applications and applicable Fees.
 - B. A legal description and survey of all properties to be served by the private road, together with a letter from the Township Supervisor or Zoning Administrator stating that all proposed parcels are in compliance with Zoning Ordinance and Subdivision Control Act requirements.
 - C. A legal description and survey of the proposed private road easement.
 - D. Drawing showing the existing and proposed structures, roads, drives, drains and other significant physical features on the property.
 - E. Engineering plans for the proposed private road shall comply with Section 8 of this Ordinance.
 - F. The construction plans shall include the following drawing: Typical cross section and drainage layout.

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- G. A proposed maintenance agreement. The agreement shall utilize the model agreement provided by the Township or else shall be accompanied by a letter from the Township Attorney indicating that alternate agreement complies with this ordinance.
2. No private road construction shall begin until the Planning Commission has approved the proposed road by a recorded vote and a permit has been issued by the zoning administrator.
3. A document describing the private road and the provisions for maintenance shall be recorded with the register of deed and also provided to the purchaser. The maintenance provisions shall apportion the maintenance responsibilities among the benefiting and/or abutting property owners and shall run with the land. The proposed maintenance agreement shall be reviewed and approved by the Township Attorney prior to recording.

SECTION 8: Minimum Design Standard for Private Roads:

1. Preliminary plans, final plans, construction plans and construction methods for a private road shall be designed by a professional engineer and bear the seal of a professional engineer.
2. The St. Clair County Road Commission's "Procedures For Plat Street Development", adopted January 17, 1995, including all subsequent amendments and/or revisions shall be used as a standard for the design of all private roads.
3. Private roads that do not conform to the St. Clair County Road Commission's "Procedures for Plat Street Development", adopted January 17, 1995, including all subsequent amendments and/or revisions will not be allowed into the St. Clair County Road Commission's system until work has been done to meet St. Clair County Road Commission's minimum requirements.
4. If any existing private road or easement is to be expanded said private road or easement will be brought up to St. Clair County Road specifications.
5. Dead end roads terminating in a cul de sac of approved design will not be limited to 600 feet.
6. All private roads shall be designated by name, subject to approval of the Township Planning Commission and the St. Clair County Road Commission. The proprietor shall furnish and erect street name and stop signs at all intersections with both public and private roads. The design of the signs shall be same as those used by the St. Clair County Road Commission for similar purposes. Signs marked "Private Road" shall be erected and maintained by the proprietor at the entrance to all private roads of the development.
7. The Township of Grant reserves the right to have any plans reviewed by another professional engineer.
8. All private roads must be completed with one (1) year of approval or the private road

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will have to be resubmitted for Approval and Site Plan Review.

SECTION 9: Inspections, Fees, and Permits for Private Roads and Driveways:

1. The Township shall not grant final approval for the use of any private road or driveway until the completed road or drive has been inspected for compliance with this ordinance.
2. The Township shall contract with a public agency, qualified engineer, or surveyor to inspect private road improvements. All such costs shall be born by the applicant.
3. The Township Board shall establish fees to cover the cost or review and inspections.
4. A permit shall be obtained as to compliance with the Michigan Soil Erosion and Sedimentation Act prior to the commencement of private road construction.
5. A permit shall be obtained from the County Drain Commission and or Road Commission as required.
6. The proprietor's engineer shall certify that he has personally supervised and inspected all construction that drainage facilities have been installed and all roads have been built in accordance with the approved plans and specifications.

SECTION 10: Pre-Existing, Non-Conforming Easements/Private Roads:

1. Pre-existing, non-conforming easements/private roads in existence prior to the enactment of this Ordinance may continue without conforming to the requirements of this Ordinance; provided however that: If such private road or access easement is to be expanded, or constructed, or altered, including but not limited to the servicing of additional dwelling or commercial, industrial or other units, the same must then conform to the requirements of this Ordinance, without regard to its pre-existing status, unless excepted, upon application for a variance, because compliance would constitute hardship or an impossibility such as insufficient area and additional area not being reasonably available; and provided further that these altered pre-existing private easements/private roads shall be required to comply with Section 7 and 8 within one year of the effective date of this Ordinance, unless excepted, upon application for a variance. All pre-existing non-conforming easements and private roads must use attachment 48- A as a minimum design standard.
2. Waiver of Provision: Any provision in Section 10 may be waived upon:
 - A. Written request of applicant and proposed site plan.
 - B. Review and approval of the Planning Commission and a licensed Engineer.

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- C. A determination by the Planning Commission that the waiver is in the best interest of the health, safety, and welfare of the Township, residents of said private road; and the intent of the Private Road and Driveway Ordinance is met.

- D. In the event a provision is waived, the Planning Commission may impose alternative restrictions.

Section 11: Performance Bond for Private Roads:

The applicant shall file with the Township Clerk a cash deposit, certified check, certificate of deposit, irrevocable bank letter of credit acceptable to the Township, sufficient to cover the total cost of the required road improvements. When the work is completed by the applicant and approved by the Township, the bond will be released to the applicant.

SECTION 12: Appeals:

1. The Township Board of Zoning Appeals shall have jurisdiction to consider appeals for variance from this ordinance.

2. The Board of Zoning Appeals may only grant a variance if the applicant can show that he would suffer a unique hardship if the street requirements of the ordinance were applied.

SECTION 13: Enforcement:

Such persons who shall be so designated by the Township Board shall enforce this ordinance.

SECTION 14: Violations:

The owner, if possible, and the occupant of any property upon which any violations set forth in this Ordinance is found to exist shall be notified in writing to remove, eliminate, or repair such violations within fourteen (14) days after service of the notice upon him. Such notice may be personally delivered or by Certified Mail, return receipt requested.

SECTION 15: Failure to Comply:

Any person who shall violate the provisions of this ordinance shall be guilty of a civil infraction and shall be punished by a fine not to exceed \$500.00 and appropriate costs. Each day that the person is in continuous violation of said ordinance is a separate and continuous civil infraction subject to an additional fine not to exceed \$500.00 and appropriate costs per day.

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SECTION 16: Granting Additional Time:

Additional time may be granted at the discretion of the enforcement officer where there are bonafide efforts to conform or repair any violations .

SECTION 17: Severability Clause:

This Ordinance and each section, sub-section, sentence, and provision thereof are hereby declared to be severable. If any part is adjudged by a court of competent jurisdiction to be invalid for any reasons, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

This Ordinance shall become effective upon publication.

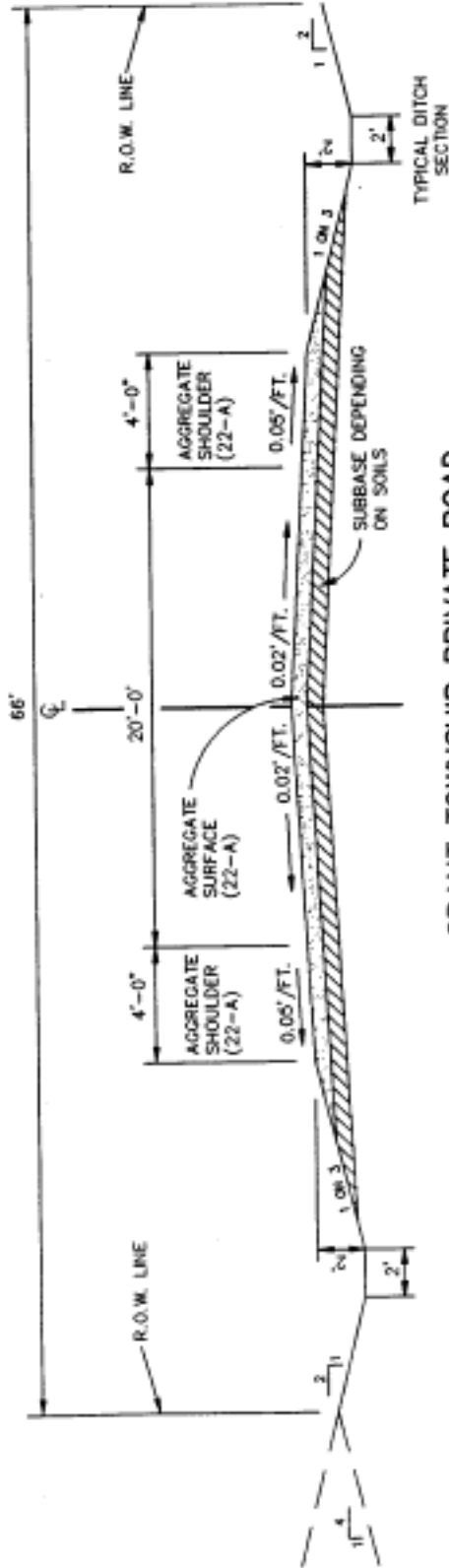
First published October 19, 1998.

Amended December 14, 1998

Amended September 18, 2000

Amended February 12, 2001

Attachment A



GRANT TOWNSHIP PRIVATE ROAD
TYPICAL ROAD SECTIONS

| TYPE OF NATIVE SOILS | AGGREGATE SURFACE (A-22) |
|----------------------|--------------------------|
| SAND | 8" |
| CLAY | 8" WITH 6" SUBBASE |
| SILT | 8" WITH 9" SUBBASE |

SUBBASE MATERIAL - M.D.S.H. GRANULAR MATERIAL CLASS 1