PRIVATE ROAD ORDINANCE #40

SANDSTONE TOWNSHIP, MICHIGAN

THE TOWNSHIP OF SANDSTONE HEREBY ORDAINS:

An ordinance to regulate the construction, maintenance and use of private roads within Sandstone Township, the use thereof by traffic, the parking of vehicles thereon, the administration and enforcement thereof, fees to defray the administrative and enforcement costs incident thereto, and to insure that residences and buildings within the Township of Sandstone may be accessible to police, fire and emergency services, and for other purposes, as follows:

SECTION 1 INTENT

Unobstructed, safe, and continuous access to lots is necessary to promote and protect the public health, safety, and welfare and ensure that police, fire and emergency services can safely and quickly enter and exit private property at all times. It is the intent of this Ordinance to permit access to the interior of certain sections within Sandstone Township by private roads which permit unobstructed, safe and continuous vehicle access. It is further the intent of this Ordinance to ensure that private roads are maintained and repaired by the private property owners who own and use the road.

The procedures, standards and specifications hereinafter set forth are determined to be the minimum procedures, standards and specifications necessary to meet the intention of this ordinance.

SECTION 2 DEFINITIONS

A. Building - An enclosed structure used or intended for use for the housing, enclosure or shelter of people, animals or chattels.

B. County Road Commission - The Road Commission of Jackson County, Michigan

C. Easement - The right of an owner of property by reason of such ownership, to use the property of another for purposes of ingress, egress, utilities, drainage and similar uses. In the context of this Ordinance, private road easements shall be designated for purpose of vehicle ingress and egress.

D. Lot - A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area; and to provide such yards and other open spaces as herein required. Such lot may consist of a single lot of record; a portion of a lot of record; or a parcel of land described by metes and bounds with

means of access in accordance with this Ordinance and the Sandstone Township Zoning Ordinance.

E. Permit - A right of way permit issued pursuant to this Ordinance.

F. Private Road - An area of land which is privately owned, provides vehicular access to more than one (1) lot and has not been dedicated to public use other than access by emergency and public safety vehicles, and is maintained by its private owners.

G. Public Street or Right of Way - A public or dedicated right of way, which affords the principal means of vehicular access to abutting property, and which is under public ownership or control.

H. Township Board - The Board of Sandstone Township.

I. Township Clerk - The Clerk of Sandstone Township.

J. Township Engineer - An engineer appointed by the Township Board to the position of Township Engineer or any other person authorized by the Township Board to perform the duties of Township Engineer as set forth in this Ordinance.

SECTION 3 GENERAL ACCESS AND PERMIT REQUIREMENTS

A. For purpose of this Ordinance, private roads shall be further defined and classified as follows:

1. Class A private roads are roads which meet one or more of the following criteria:

   a. Serves ten (10) or more single-family residential lots, or has a reasonably foreseeable potential to be extended in the future to serve a total of ten (10) or more single-family residential lots. The potential shall be based upon the amount of acreage serviced and the potential buildable parcels.

   b. Connects with, or has a reasonably foreseeable potential to be extended at a future time to connect with more than one public or private road.

   c. Has a reasonable probability of dedication as a public road at a future time.

   d. Has a length of more than one thousand (1,000) feet, measured on the roadway centerline from the right-of-way of the public road it

intersects to either another intersecting roadway or center of a cul-de-sac.

e. Serves one or more nonresidential uses, not including farm uses and farm buildings.

2. Class B private roads are those which do not meet the criteria for Class A roads as defined above, but which do exceed the criteria for Class C roads as defined below.

3. Class C private roads are those which will serve no more than four (4) lots or parcels which are located no greater distance than one thousand (1,000) feet from the centerline of a public street.

B. Every lot in Sandstone Township that is improved with a building shall:

1. Either abut a road dedicated to the public or a private road which meets the requirements of this Ordinance, and

2. Have access for ingress and egress for all vehicular traffic including fire, police, and ambulance services and vehicles by means of such public or private road.

C. No lot shall be improved with a building subsequent to the date of adoption of this Ordinance, unless it complies with Section 3(B)(1) and (2).

D. No person shall construct, alter, or extend a private road without bringing the entire road into compliance with this Ordinance and obtaining a Permit as hereinafter provided. All private roads hereafter constructed, altered, or extended shall meet the requirements for a Class A, B, or C private road as applicable.

E. All lots which have been improved with a building prior to the date of adoption of this Ordinance shall comply with the provisions of this Ordinance, if the Township Board, by resolution, determines that such compliance is necessary to protect and promote the public health, safety and welfare in accordance with the purposes set forth in Section 1, herein.

SECTION 4 APPLICATION FOR PERMIT: REQUIREMENTS

Applications for Permits shall be delivered to the Township Zoning Administrator and filed with the Clerk and shall consist of the following information:

A. Class A or B Private Road - Each application for a Class A or B private road shall be accompanied by completed plans prepared and sealed by a civil engineer or land surveyor registered in the State of Michigan, which include the information

contained herein. Where the required information is incorporated in the overall site plan of a development, separate road plans shall not be required.

The application and plans for a Class A or B road shall include the following information:

1. The names and addresses of the lot or parcel owners to be served by the private road.

2. A vicinity map of a minimum scale of one inch equals two thousand feet (1" = 2,000'), showing the location of the private road in the Township, any access roads and cross streets, road names, a scale and a north arrow.

3. Existing topography at two (2) foot contour intervals for the portions of the site sufficient to determine drainage from the private road easement to a suitable storm water outlet.

4. Proposed improvements (including but not limited to, roads, sewers and ditches) shown in plan and profile indicating all materials, grades, dimensions and bearings in compliance with the standards set forth in Section 5. The plans shall also show all existing and proposed grades, the location of all existing and proposed drainage facilities, the location of existing and/or proposed utilities and structures, other structures, physical or natural conditions existing adjacent to such improvements, and any connections to existing public and private roads.

5. Soil borings within the proposed route of the road. Tree coverage and wetland areas within one hundred (100) feet of either side of the proposed route.

6. The location of existing buildings on the lots or parcels being served or intended to be served by the private road as well as any existing building or structures in or adjacent to any proposed road easement.

7. The existing or proposed location of private utilities and easements, such as gas, telephone, and electric.

8. A complete statement of all the terms and conditions of the proposed road easement, including copies of all agreements or intended agreements regarding the maintenance and improvements of the right-of-way and roadway. Furthermore, said maintenance agreements shall be in such form as to be recordable with the Jackson County Register of Deeds and shall specifically address the liability and responsibility of the parties to said agreement to maintain the private road pursuant to the specifications of this article, including, but not limited to, the responsibility of removing snow from said private roads. The recorded statement which runs with the land, shall

also inform subsequent purchasers that the road is private and may never be maintained or accepted by the Jackson County Road Commission.

B. Class C Private Road - Each application for a Class C private road shall be accompanied by completed plans prepared and sealed by civil engineer or land surveyor registered in the State of Michigan, which include the information contained herein. Where the required information is incorporated in the overall site plan of a development, separate road plans shall not be required.

The application and plans for a Class C Road shall include the following information:

1. The names and addresses of the lot or parcel owners to be served by the private road.

2. A vicinity map of a minimum scale of one inch equals two thousand feet (1" = 2000') showing the location of the private road in the Township, any access roads and cross streets, road names, and a north arrow.

3. Existing topography at two (2) foot contour intervals for the portions of the site sufficient to determine drainage from the private road easement to a suitable storm water outlet.

4. The location of existing buildings with existing and proposed grades in sufficient detail to depict drainage patterns. Existing storm drains, ditches, and swales crossing the road easement or adjacent to the easement shall be shown on the sketch plan.

5. The relationship of the proposed road to an existing public roadway right-of-way which will serve as access for the private road.

6. The location of the proposed road and turn around within the easement together with proposed drainage and grading.

7. The proposed roadway materials, thickness, and width and the type of underlying soil.

8. A complete statement of all the terms and conditions of the proposed road easement, including copies of all agreements or intended agreements regarding the maintenance and improvements of the right-of-way and roadway. Furthermore, said maintenance agreements shall be in such form as to be recordable with the Jackson County Register of Deeds and shall specifically address the liability and responsibility of the parties to said agreement to maintain the private road pursuant to the specifications of this article, including, but not limited to, the responsibility of removing snow from said private roads. The recorded statement which runs with the land, shall

also inform subsequent purchasers that the road is private and may never be maintained or accepted by the Jackson County Road Commission.

SECTION 5 DESIGN STANDARDS

A. In addition to the standards and specifications set forth in Section 5(B), Schedule of Minimum Requirements and Specifications, all private roads shall meet the following additional minimum requirements and specifications:

1. The roadway surface and cul-de-sac area shall be centered in the right-of-way.

2. The connection between the private road and the public road shall conform to the standards and specifications of the County Road Commission. Where a Class B or C road connects to a paved County road, the Class B or C road shall have a paved approach. The applicant shall obtain a road permit issued by the Road Commission prior to approval by the Township Board.

3. Underground crossroad drainage shall be provided where the proposed road crosses a stream or other drainage course. Necessary culverts and erosion treatments shall be provided in accordance with the specifications of the Jackson County Road Commission and/or Jackson County Drain Commissioner.

4. The private road easement and road shall be adequately drained so as to prevent flooding or erosion of the roadway. Ditches shall be located within the private road easement. Road drainage shall be constructed so that the runoff water shall not be discharged upon the land of another property owner unless the water is following an established watercourse. The water discharge onto adjoining properties shall also not exceed the normal agricultural rate. Connection to county drains shall be approved by the Jackson County Drain Commissioner prior to the issuance of permit. Connection to roadside ditches within public road rights-of-way shall be approved by the County Road Commission prior to the issuance of a permit.

5. Private road signs shall be designated with the word "private" and shall be erected and maintained in accordance with the **Michigan Manual of Uniform Traffic Control Devices.**

6. The road easement shall provide for ingress, egress, drainage, and installation and maintenance of public and private utilities.

7. The private road shall be subject to all other Township, County and State permits and regulations.

B. The following Schedule of Minimum Requirements and Specifications for Private Streets and Roads shall apply:

	Class A	Class B	Class C
Easement Width:	Private Streets and Roads 66 feet	Private Streets and Roads 66 feet	Private Streets and Roads 66 feet-for 3 or 4 parcels 33 feet-for 2 parcels
Sub-base:	Depth will vary depending upon native soil types. Spread to a minimum width sufficient to extend to the front slope of the roadside ditch.	Same as Class A	Same as Class A
Base:			
For gravel surface	Not permitted	6 inches of 22A or 23A processed road gravel in two equal courses, each compacted 22 feet wide.	Same as Class B except 16 feet wide.
For paved surface (Paving is required for Class A, Optional for Class B and C)	8 inches of crushed limestone; slag or processed road gravel (MDOT 21A) in two equal courses, each compacted 32 feet wide.	Same as for Class A, except width of base shall be 30 feet.	Same as for Class A, except width of base shall be 22 feet.
Pavement: (Paving is required for Class A, Optional for Class B and C)	3" inches bituminous aggregate, #1100 mix, 24 feet wide.	3" inches bituminous aggregate, #1100 mix, 22 feet wide.	3" inches bituminous aggregate, #1100 mix, 16 feet wide.
Turnaround area:			
Cul-de-sac:	75 foot radius right-of-way, 50 foot radius roadway surface	Same as Class A.	Same as Class A.
T Type:	Not permitted.	May be substituted for cul-de-sac if applicant can show that it will function as well as the required turning circle.	Same as Class B.
Ditches:			

	Class A	Class B	Class C
Minimum grade	0.5%	Same as Class A	Ditches shall be of sufficient width, depth, and grades to provide for adequate and positive drainage.
0.5%-4.0%	sod or otherwise stabilize.		
4.1% and steeper	rip-rap	Same as Class A.	
front/back slopes	1 on 4	Same as Class A.	
Roadway grades			
Minimum	0.5%	0.5%	0.5%
Maximum	6.0%	6.0%	6.0%
Roadway curves			
Horizontal-minimum	230 foot radius	Same as Class A.	Same as Class A.
Vertical-minimum	100 feet long for changes in gradient of 2% or more	Same as Class A.	Same as Class A.
Curb & Gutter	May be required by Township Engineer in consideration of narrow lot width, and road grade. Where required, curb and gutter shall meet requirements of the current MDOT specifications for straight back or roll curb.		

SECTION 6 PERMIT APPROVAL PROCEDURE

A. Upon receipt of an application, the Township Clerk shall bring the application before the Township Board at its next regular meeting. The Board shall, pursuant to Section 12 of Act 168 of 1959, refer the application to the Township Planning Commission and any other appropriate body for review and comment.

B. The Township Engineer shall report in writing to the Board as to whether or not the proposed private road conforms to the standards and specifications of this Ordinance. Said report may include any suggested conditions to be attached to the Permit which, in the Township Engineer's judgment, are necessary to achieve the intent of this Ordinance.

C. The Township Board shall consider the application, the Township Engineer's report and all other relevant information in determining whether to grant the Permit application. If the information submitted by the applicant does not establish that the proposed private road will conform to the standards and specifications of this Ordinance, the Township Board shall not grant the Permit. The Township Board shall impose such conditions on the approval of the Permit as it deems necessary to achieve the intent and objectives of this Ordinance, which may include, but need not be limited to, conditions suggested by the Township Engineer. The breach of any such condition proposed by the Township Board shall automatically invalidate the Permit.

D. As a condition to the granting of any Permit under this Ordinance, the Township Board shall require that the applicant deposit with the Township Clerk a sum of money, bank letter of credit or certified check, in an amount sufficient to guarantee that the applicant shall perform this terms and conditions of the permit, including the payment of required fees. Upon completion of all improvements required by this ordinance, any unused portion of the deposit shall be refunded to the applicant.

E. Upon receipt of the required deposit and predetermined fees and approval of the applicant by the Township Board, the Township Zoning Administrator shall issue the Permit pursuant to the terms established by the Township Board approving the application.

F. Only the Township Board shall have the authority to approve or deny applications for permits. No other permit issued by any township official or other governmental body or official shall be a substitute for a Permit.

SECTION 7 INSPECTION

A. The Township Board shall establish and determine the cost of plan review. The cost of plan review, including compensation of the Township Engineer, shall be paid by the applicant prior to the start of construction. If the applicant does not directly pay the cost of plan review, the same shall be paid from the deposit established by the Township Board and held by the Township Clerk, and the balance, if any, shall be returned to the applicant.

B. The Township Engineer will review proposed or establish testing criteria (MDOT specifications where applicable) necessary to ensure construction conformance with the approved design. The owner/contractor will be responsible for meeting all required testing and supplying testing results to the Township Engineer for review.

C. All required improvements shall be inspected by the Township and Road Commission Engineer at various stages of construction. The Township Engineer and the Jackson County Road Commission shall make a final inspection upon completion of construction and shall report the results of the final inspection to the

Township Board in writing. The applicant's engineer shall certify to the Township Engineer, before the final inspection and report thereon are made, that the required improvements were made in accordance with this Ordinance and all approved plans. A letter of completion by the Township Engineer shall be delivered to the Township Clerk and the applicant. The costs of inspection, including compensation of the Township Engineer, shall be paid by the applicant prior to the issuance of the certificate of completion. The Township Board shall establish and determine the costs of inspection. If the applicant does not directly pay the costs of inspection, the same shall be paid from the deposit established by the Township Board and held by the Township Clerk, and the balance, if any, shall be returned to the applicant.

SECTION 8 EXPIRATION OF APPROVAL OF PERMITS

A Permit shall be valid for a period of one year from the date of issuance, or such longer period as determined by the Township Board. If the required improvements have not been completed upon the expiration of the one year or the longer period of time, then the Permit shall be void and all deposits shall be forfeited to Sandstone Township.

SECTION 9 RECORDING OF EASEMENTS

The easement, including all agreements as identified in Section 4A(4), herein, shall be recorded in the office of the Register of Deeds for Jackson County prior to the issuance of the certificate of completion required in Section 8, herein.

SECTION 10 CERTIFICATES OF OCCUPANCY

No certificate of occupancy shall be issued for any building on a lot subject to the provisions of this Ordinance until all work is completed. A certificate of occupancy may be issued prior to the issuance of a certificate of completion, upon recommendation by the Township Engineer, and upon deposit with the Township Clerk of a sum of money, certified check, or bank letter of credit in an amount sufficient to guarantee completion of the remaining required improvements.

SECTION 11 VARIANCES

A. When there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Ordinance, such as topographical and other physical characteristics of a parcel, the Township Board shall have the power to vary or modify the application of the provisions of this Ordinance so that the intent and purpose of the Ordinance shall be observed and public safety secured. Any applicant may apply for a variance from any provision of the Ordinance by filing an application for variance with the Township.

B. The Township Planning Commission shall hold a public hearing upon such application within forty-five (45) days from its filing. The Township Clerk shall give notice of the hearing to the owners of all property abutting and/or having access for ingress and egress of traffic by means of the private road described in the variance application, as well as police, fire and emergency service officials known by the Clerk to serve such property. The notice shall be mailed to each such party and published in a newspaper of general circulation in the Township not later than seven (7) days prior to the hearing. Any party may appear and comment at the hearing in person or by agent or by attorney. The Township Planning Commission shall keep a record of said hearing and shall render a written recommendation to the Township Board not later than the next regular Township Board Meeting after the hearing date.

C. The Township Board may attach reasonable conditions in granting any variance from any provision of the Ordinance, and the breach of any conditions or the failure of any application to comply with the conditions shall void the variance. This provision of the Ordinance is intended, in part, to enable variances to be granted and conditions attached to the variances to facilitate the upgrading of prior non-conforming rights of way and private roads to the standards of the Ordinance, in a reasonably practical manner, including, but not limited to such rights of way and private roads as have been established, recorded, constructed, or maintained prior to the date of adoption of this Ordinance, which cannot be brought into conformity with the Ordinance without unnecessary hardship or practical difficulty due to soil conditions, topographical considerations, or other factors.

SECTION 12 VIOLATIONS

Any person who violates any provisions of this Ordinance shall be guilty of a misdemeanor and shall be subject to a fine not exceeding FIVE HUNDRED ($500.00) DOLLARS or by imprisonment. Any violation of the terms of this Ordinance shall bc and the same is hereby declared to be a nuisance per se, and such use may be abated, restrained, enjoined, and prohibited, upon the commencement of an appropriate action in the Circuit Court.

SECTION 13 EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days after its publication in a newspaper of general circulation throughout Sandstone Township.

First Published July 12 2000
Adopted August 10, 2000
Effective Date August 16, 2000

Priscilla Jewett
Clerk