

# Chapter 12 Private Road

- 12.1 TITLE. This ordinance shall be known and cited as the Township of Freedom Private Road Ordinance.
- 12.2 INTENT. Unobstructed, safe, and continuous access to lots is necessary to promote and protect the health, safety, and welfare of the public through police and fire protection, and ambulance service. Such access is necessary to insure that such services can safely and quickly enter and exit private property at all times. Access to the interior of certain sections within Freedom Township should meet minimum standards and specifications to permit the subsequent upgrading and dedication of such access rights of way to the Washtenaw County Board of Road Commissioners or other municipal corporations, when public dedication is desirable or required. 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.
- 12.3 DEFINITIONS. Building - An enclosed structure used or intended for use for the housing, enclosure or shelter of people, animals or chattels.
  - 12.3.1 County Road Commission - The Road Commission of Washtenaw County, Michigan.
  - 12.3.2 Lot - A parcel of land; real estate.
  - 12.3.3 Permit - A right of way permit issued for a private road pursuant to this ordinance.
  - 12.3.4 Private Road - A route which provides vehicular access to a lot or lots and which has not been dedicated to public use.
  - 12.3.5 Township Board - The Board of Freedom Township.
  - 12.3.6 Township clerk - The Clerk of Freedom Township.
  - 12.3.7 Township Engineer - An registered professional 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.
- 12.4 GENERAL ACCESS AND PERMIT REQUIREMENTS
  - 12.4.1 Every lot in Freedom Township that is improved with a building shall:
    - 12.4.1.1 Either abut a road dedicated to the public or a private road which meets the requirements of this ordinance, and,
    - 12.4.1.2 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.
  - 12.4.2 No lot shall be improved with a building subsequent to the date of adoption of this ordinance, unless a Permit in accordance with this ordinance has been issued.
  - 12.4.3 No person shall construct, alter, or extend a private road without compliance with this ordinance and obtaining a Permit as hereinafter provided
  - 12.4.4 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
- 12.5 PARCELS OF LAND EXCEPTED FROM ROAD ORDINANCE. The provisions of this ordinance, except this Section and Section 5B, herein, shall not apply where no more than two lots or parcels of real estate which are used for no more than two single-family dwelling units, do not adjoin a public road, provided:
  - 12.5.1 Said lots share a right of way for ingress and egress to a public road;
  - 12.5.2 Driveways serving no more than two lots/parcels shall be 15 feet in width for ingress and egress for emergency, fire, and police vehicles from the public road to the single-family dwelling units; and

12.5.3 The right of way is recorded in the office of the Register of Deeds of Washtenaw County for a two parcel driveway shall be at least 33 feet wide.

12.6 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:

12.6.1 For a lot not covered by Section 4, herein, the application shall contain the following information:

12.6.1.1 A legal description of each lot to be served by the right of way, a legal description of the right of way, the names and addresses of all persons or parties owning an interest in the title to the lots and right of way area.

12.6.1.2 A survey drawing showing the outline of the proposed right of way and the dimensions and bearings thereof, existing topographic contours, at 2 foot intervals, of the right of way area and all adjacent land within 10 feet thereof, or within such greater area as may be necessary to determine whether drainage methods will be adequate; soil characteristics and wet areas; trees; streams and all bodies of water within 10 feet from the right of way area, or within such greater area as may be necessary to determine whether drainage methods will be adequate; existing buildings within 50 feet of the proposed right of way; the proposed right of way in relation to the nearest property lines; and the location of all proposed improvements in the right of way area. The survey drawing shall be prepared by a Registered Land Surveyor or Civil Engineer, registered in the State of Michigan, and shall bear the seal of the same

12.6.1.3 Plan and profile drawings and cross sections of the proposed improvements showing clearly all materials, grades, and dimensions, prepared by a Civil Engineer registered in the State of Michigan, and bearing the seal of the same

12.6.1.4 A complete statement of all the terms and conditions of the proposed right of way including copies of all agreements or intended agreements regarding the maintenance and improvements of the right of way and roadway.

12.6.1.5 A fee as established by resolution of the township Board to defray the costs of inspection, plan review, administration, and enforcement of this ordinance.

12.6.1.6 The application shall be signed by the applicant or agent thereof, in which case, it shall be accompanied by a duly executed and notarized Power of Attorney, and shall represent that the applicant is making the application on behalf of all persons having an interest in the right of way or the abutting lots and shall be made under penalties of perjury

12.6.2 For a lot subject to Section 4, herein, the owner of the lot shall apply to the Township Zoning Administrator for a Permit. The applicant shall furnish the Zoning Administrator a surveyor sketch of the property showing its boundaries, the location of all existing improvements and the location of future buildings, the relationship of the lot to any public or private rights of way or roads, and a copy of the recorded right of way. The dimensions and location of the right of way shall be specifically shown on the sketch or survey. The applicant shall also pay to the Township a fee for application for said Permit as established by resolution of the Freedom Township Board. The Zoning Administrator shall transmit the application, including all drawings, to the Township Engineer for review and recommendation and to the Washtenaw County Road Commission for information. The Zoning Administrator shall review the Township Engineer's report and shall issue the Permit if the applicant has provided the information required herein and paid the required fee, and if the Township Engineer has reported that the application meets the criteria of Section 4, herein. The report shall be affixed to a copy of the sketch or survey submitted by the applicant. After issuance of a Permit and compliance with Section 8 herein, a certificate of completion shall be issued

12.7 PERMIT APPROVAL PROCEDURE

12.7.1 Upon receipt of an application, the Township Clerk shall bring the application before the Township Board at its next regular meeting. The Board may, in its discretion, refer the application to the Township Planning Commission or other appropriate body for review and comment.

12.7.2 The Township Engineer shall report in writing to the Board as to whether or not the proposed right of way and road way conform 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.

- 12.7.3 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 right of way and road way 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.
- 12.7.4 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 the terms and conditions of the Permit, including the payment of required fees. Upon issuance of certificate of completion under Section 8 of this ordinance, any unused portion of the deposit shall be refunded to the applicant.
- 12.7.5 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 Resolution approving the application.
- 12.7.6 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.

12.8 SPECIFICATIONS FOR RIGHTS OF WAY AND ROADWAYS: Each right of way and its roadway shall conform to the following specifications:

12.8.1 Private roads shall be divided into two classes, as follows:

12.8.1.1 Class A private roads shall be any private road that meets one or more of the following criteria:

- (A) Serves six or more single-family residential lots, or has a reasonable foreseeable potential to be extended in the future to serve a total of six or more single-family residential lots.
- (B) Connects with, or has a reasonably foreseeable potential to be extended at a future time to connect with, a public or private road.
- (C) Has a reasonable probability of dedication as a public road.
- (D) Has a length of more than 1,000 feet, measured on the roadway centerline of the public road to the centerline of the other intersection road, or the center of the turnaround.
- (E) Serves one or more non-residential uses, not including farm uses and buildings.

12.8.1.2 All other private roads, except those exempted under Section 4, herein, shall be Class B private roads.

12.8.2 All Class A and Class B private roads shall meet the following minimum requirements and specifications:

12.8.2.1 The roadway surface and turnaround area shall be centered in the right of way.

12.8.2.2 The connection between the right of way and the public road shall conform to the standards and specifications of the County Road Commission. The applicant shall obtain a road permit issued by the Road Commission prior to approval of any right of way by the Township Board.

12.8.2.3 Underground crossroad drainage shall be provided where the proposed right of way crosses a stream or other drainage course. Necessary culverts and treatments shall be provided in accordance with the specifications of the Washtenaw County Road Commission.

- 12.8.2.4 The right of way and roadway shall be adequately drained so as to prevent flooding or erosion of the roadway. Ditches shall be located within the right of way. Roadway drainage shall be constructed so that the runoff water shall be conveyed to existing water courses or water bodies. The discharged water shall not be cast upon the land of another property owner unless the water is following an established water course. Connection to county drains shall be approved by the Washtenaw County Drain Commissioner prior to the issuance of a 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.
- 12.8.2.5 Road signs shall be erected and maintained in accordance with the Michigan Manual of Uniform Traffic Control Devices.
- 12.8.2.6 The right of way shall provide for ingress, egress, drainage, and installation and maintenance of public and private utilities.
- 12.8.3 Class A and Class E private roads shall also meet their respective minimum requirements and specifications as set forth in Table 1, herein.
- 12.9 INSPECTION. All required improvements shall be inspected by the Township Engineer at various stages of construction. The Township Engineer 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.
- 12.10 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 of no force and effort and all deposits shall be forfeited to Freedom Township.
- 12.11 RECORDING OF RIGHTS OF WAY. The right of way, including all agreements as identified in Section 6a(iv), herein, shall be recorded in the office of the Register of Deeds for Washtenaw County prior to the issuance of the certificate of completion required in Section 9, herein.
- 12.12 BUILDING PERMITS. No building permit shall be issued for any lot subject to the provisions of this ordinance unless a Permit has been issued by the Township Board.
- 12.13 CERTIFICATES OF OCCUPANCY. No certificate of occupancy shall be issued for any building on a lot subject to the provisions of this ordinance unless a certificate of completion has been received by the Township Clerk, as provided in Section 8, herein. 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.
- 12.14 VARIANCES. 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, public safety secured and substantial justice done. An applicant may apply for a variance from any provision of the ordinance by filing any application for variance with the Township. The Township 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 law enforcement officials, fire officials, and ambulance companies 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 shall keep a record of said hearing and shall render a written decision not later than the next regular Township Board Meeting after the hearing date. 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 nonconforming 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 condition, topographical considerations, or other factors.

- 12.15 VIOLATIONS. Any person who violates any provision 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 access which is used in violation of the terms of this ordinance be 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.
- 12.16 EFFECTIVE DATE. This ordinance shall become effective thirty (30) days after its publication in a newspaper of general circulation throughout Freedom Township.

	LEGISLATIVE HISTORY			
	Date passed	Date published	Where Published	Ordinance Number
Adopted:	10-9-90	10-25-90	The Manchester Enterprise	12
Amended:	1-13-98	2-5-98	The Manchester Enterprise	Unknown

MINIMUM REQUIREMENTS AND SPECIFICATIONS FOR PRIVATE STREETS AND ROADS

	Class A Private Streets and Roads	Class B Private Streets and Roads
Width of right of way:	66 feet	66 feet
Sub-base:(spread to a minimum width, sufficient to extend to the front slope of the roadside ditch)	6 inches of compacted sand	6 inches of compacted sand
Base:		
For gravel surface	6 inches of crushed limestone, slag or processed road gravel (MDOT 22A or 23A) in two equal courses, each compacted 32 feet wide.	Same as Class A except 20 feet wide
For paved surface	Same as for gravel surface, plus two inches more of base, compacted.	Not applicable
Pavement:	22 inches bituminous aggregate #1100 mix-20 AA; 24 feet wide. (Pavement required if projected vehicle trips exceeds 100 per 24 hours, based upon 10 vehicle trips per residence)	Not applicable
Turnaround area	75 feet radius right of way	75 feet radius right of way
Turning circle	50 feet radius roadway surface	50 feet radius roadway surface
Ditches		
Minimum grade	0.5%	Ditches shall be of width, depth, and grades to provide for adequate and positive drainage.
0.5% to 4.0% grades	sod or otherwise stabilize	
4. 1% and steeper grades	rip-rap	
Front and back slopes	1 on 4	
Roadway Grades		
Minimum	0.5%	0.5%
Maximum	6.0%	6.0%
Roadway Curves		
Horizontal-minimum	230 foot radius	230 foot radius
Vertical-minimum	100 foot long for changes in gradient of 2% or more	Same as Class A.