

CHARTER TOWNSHIP OF UNION
Isabella County, Michigan
Ordinance Number 2000-09

An Ordinance to regulate the construction of private roads within the Charter Township of Union

The Charter Township of Union, Isabella County, Michigan, Hereby Ordains:

SECTION I – TITLE, INTENT AND PURPOSE

This ordinance shall be known and cited as the “Union Township Private Road Ordinance”.

The intent of this ordinance is to provide and manage access to land development, while preserving the regional flow of traffic in terms of safety, capacity, and speed. If access systems are not properly designed, these thoroughfares will be unable to accommodate the access needs of development and retain their primary transportation function. This ordinance balances the right of reasonable access to private property, with the right of the citizens of the Charter Township of Union and the State of Michigan to safe and efficient travel.

Regulations have been applied to private roads for the purpose of reducing traffic accidents, personal injury, and property damage attributable to poorly designed access systems, and to thereby improve the safety and operation of the roadway network. This will protect the substantial public investment in the existing transportation system and reduce the need for expensive remedial measures. These regulations also further the orderly layout and use of land, protect community character, establish emergency vehicle access and conserve natural resources by promoting well-designed road and access systems and discouraging the unplanned subdivision of land.

SECTION II - Private Roads

1. Private driveways designed to serve one (1) or two (2) lots which may not be served by a driveway from a public road are exempt from these regulations. Such lots typically do not have frontage on a public road and are served by easements or by “flag” lots.
2. Private roads may be permitted in accordance with the requirements of this Section and the following general standards shall apply:
 - a) All private roads in the township shall be constructed to Isabella County Road Commission (I.C.R.C.) specifications as revised and contained in “Standards and Specifications for Plat Development / Site Condominium Development and Street Construction” and have an easement of a minimum of sixty-six feet in width.
 - b) Private roads that are generally accessible to the public shall have all traffic control features, such as striping or markers, in conformance with the Manual of Uniform Traffic Control Devices.
 - c) The minimum distance between private road outlets on a single side of a public road shall be 660 feet, or less where provided by access classification and standards for state roads and local thoroughfares.
 - d) All properties served by the private road shall provide adequate access for emergency vehicles and shall conform to the approved local street numbering system.

- e) All private roads shall be designated as such and will be required to have adequate signage indicating the road is a private road and not publicly maintained.
- f) All private roads shall have a posted speed limit not to exceed twenty miles an hour.
- g) All private roads shall have adequate provisions for drainage and stormwater runoff as provided in the above referenced ICRC document.

2. Private roads serving between three (3) and thirteen (13) unplatted lots may utilize the I.C.R.C.'s Typical Rural Residential cross section without the bituminous surface. The road commission shall not be compelled to accept roads constructed to this lesser standard.

3. Roads serving more than 13 lots shall be constructed or upgraded to meet all specifications in the above referenced I.C.R.C. document.

4. Applications for subdivision and land divisions approvals that include private roads shall include a drainage plan and road construction plan, prepared by a registered engineer. The township appointed engineer shall review private road plans for conformance with this Code.

5. Construction permits are required for connection to public roads. Application for road construction shall be made concurrent with the creation of a lot that does not have frontage on a public road. A road construction permit shall be issued after approval of the private road plan and the entire length of the road shall be inspected during construction and upon completion. If found in conformance, a final use permit shall be issued.

6. No building permit shall be issued for any lot served by a private road until the private road has been constructed and approved, so that all lots to be served by the private road have access to a public road. All lots that are in existence at the time of adoption of this ordinance shall be issued building permits, providing all other requirements for a building permit are met.

7. A road maintenance agreement, drafted by the applicant and approved by the township attorney shall be recorded with the deed of each property to be served by a common private road. The agreement shall provide for:

- a) A method to initiate and finance a private road and maintain that road in good condition;
- b) A method of apportioning maintenance costs to current and future users;
- c) A provision that the township may inspect, and if necessary, require that repairs be made to the private road to ensure that safe access is maintained for emergency vehicles. If required repairs are not made within six months of date of notice, the township may make the necessary repairs and assess owners of parcels on the road for the cost of all improvements plus an administrative fee, not to exceed 25% of total costs;

- d) A provision that the majority vote of all property owners on the road shall determine how the road is maintained except in the case of emergency repairs as outlined above;
- e) A statement that no public funds shall be used to construct, repair or maintain the road;
- f) A provision requiring mandatory upgrading of the roadway if additional parcels are added to reach the specified thresholds; and
- g) A provision that property owners along that road are prohibited from restricting or in any manner interfering with normal ingress and egress by any other owners or persons needing to access properties with frontage on that road.

8. No private road shall be incorporated into the public road system unless it is built to public road specifications of the county. The property owners shall be responsible for bringing the road into conformance.

9. All private roads shall have a sign and name meeting township standards and shall include the following notice: "Private Road" "Not maintained by Public".

10. An application fee will be established by the Director of Public Works to cover administrative, processing, and inspection costs.

11. The United States postal service and the local school district are not required to use the private road for access to the parcels abutting the private road and may require that service be provided only at the closest public access point.

SECTION III - SEVERABILITY

The provisions, sections, sentences and phrases of this Ordinance are declared to be severable and if any such portion is declared unconstitutional or invalid for any reason by a court of competent jurisdiction, such finding shall in no way affect or invalidate the remainder of this Ordinance.

SECTION IV - EFFECTIVE DATE

This Ordinance will take effect immediately after publication.

James T. Collin, Supervisor

Susan Gilpin, Clerk

CERTIFICATION OF ADOPTION OF TOWNSHIP ORDINANCE

I, Susan Gilpin, the duly elected Clerk of the Charter Township of Union, Isabella County, Michigan, hereby certify that the foregoing Ordinance 2000-09 was adopted at a regular meeting of the Charter Township of Union Board of Trustees held on December 18, 2000, at which meeting the following named members were present and voted in person:

Voting in favor of adoption:

Voting against adoption:

Certification Date: December 18, 2000

Susan Gilpin, Clerk

I, Susan Gilpin, the duly elected Clerk of the Charter Township of Union, Isabella County, Michigan, hereby certify that the foregoing Ordinance 2000-09 was published in a newspaper of general circulation within the Township on the 18th day of December 2000, and that the Ordinance and the publishers affidavit hereto attached are filed in the Charter Township of Union Ordinance Book on the date of this Certificate, such date being within one week after the first of such publication.

Certification Date: December 18, 2000

Susan Gilpin, Clerk