

PRIVATE ROAD ORDINANCE No. 27
Bridgewater Township
Washtenaw County, Michigan

An Ordinance Regulating The Design, Construction, Inspection, Review, Approval And Maintenance Of Private Roads Within Bridgewater Township, Washtenaw County, Michigan.

BRIDGEWATER TOWNSHIP ORDAINS:

SECTION 1. INTENT

This Ordinance is intended to provide minimum standards and specifications for private roads constructed in Bridgewater Township, Washtenaw County, Michigan. It is recognized that such standards are necessary because of the need for road services adequate to provide year around access by residents, fire, police, and like emergency services. It is further recognized that if roads are not constructed and maintained in accordance with certain minimum standards, such roads may pose a threat to the health, safety and welfare of the residents located along the roadway, as well as others who use the road.

SECTION 2. DEFINITIONS

Private Driveway: Any piece of privately owned and maintained property which is used for access by vehicular traffic to one (1) or two (2) parcels of private property but is not open or normally used by the public.

Private Road: A privately owned and maintained road, allowing access to more than one parcel, lot, residence or place of business, which is normally open to the public and upon which persons other than the owners located thereon may also travel. The erection of such signs as "Residents Only", or the like shall not exempt any roadway from the requirements of this Ordinance.

Public Road: A road under the jurisdiction of the Washtenaw County Road Commission or Michigan Department of Transportation.

Road: A thoroughfare which affords vehicular traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, street and other thoroughfare, except an alley or private driveway.

SECTION 3. PROHIBITIONS

1. Construction of Private Roads

- A. No private road shall be constructed within Bridgewater Township except in accordance with this ordinance.
- B. Private roads shall only be permitted in the following types of development:
 - 1. Single-family residential developments which are built in accordance with the Single Family Cluster Design Standards (Section 1101), the Residential Cluster Option Design Standards (Section 1103), or the Single Family Cluster Density Bonus Option (Section 1447) in the Bridgewater Township Zoning Ordinance.
 - 2. Multiple Family Residential developments.
 - 3. Mobile home parks.

2. Sale of Parcel(s) of Land

No person shall sell or otherwise convey any parcel of land within Bridgewater Township unless said parcel of land:

- A. Fronts upon a public road; or
- B. Fronts upon a private road designed, approved, constructed and maintained in conformance with the provisions of this ordinance; or
- C. Has access to a public or private road in conformance with the frontage and access standards of the Zoning Ordinance, Land Division Ordinance, and this Ordinance; or
- D. Is combined with a parcel of land which conforms with Subsection A, or B or C above and which otherwise meets applicable Zoning Ordinance requirements regarding lot area, lot width and lot width to depth ratio; or
- E. Is conveyed by contract, deed or other conveyance of sale which contains the following language:

"This parcel is not a buildable site for the reason that said parcel is not accessible in accordance with standards as set forth by the Bridgewater Township Zoning Ordinance, the Bridgewater Township Land Division Ordinance and this Ordinance."

3. Building Permits

No building permit shall be issued for any structure unless said structure will be located on a lot which meets one or more of the criteria outlined in Section 3.2 A-D above. Nothing in this section shall be deemed to waive any of the frontage, lot area, width or width to depth requirements as set forth in the Bridgewater Township Zoning Ordinance.

SECTION 4. CONVEYANCE OF INTEREST IN LAND ABUTTING PRIVATE ROAD

At the time of the conveyance of any interest in any parcel, which abuts a private road as herein set forth, which conveyance shall be deemed to include the acceptance of an offer to purchase, the grantor of such interest shall advise the grantee in writing that said parcel abuts a private road, and that the maintenance, care, and other responsibilities concerning said road rest with the abutting land owners and are not the responsibility of Bridgewater Township, the County of Washtenaw, or the State of Michigan.

SECTION 5. PERMIT REQUIRED

No construction shall begin on any private road until a permit for construction has been issued by Bridgewater Township. No permits for construction shall be issued until there is full compliance with the provisions of this Ordinance and plans have been approved by the Planning Commission, Township Board, and Township engineering consultants.

SECTION 6. APPLICATION REQUIREMENTS

Application for construction of a private road shall be made with the Township Clerk and shall include the following:

1. A complete Private Road Application form including:
 - A. A documented ten (10) year history of ownership of the subject property.
 - B. The names, addresses and phone numbers of all owners of record, and all persons owning or acquiring legal or equitable interest, including all parties to a land contract or purchase agreement, and their signatures. Written verification and proof of ownership shall be by Warranty Deed, Quit Claim Deed, Land Contract, or other legal document of conveyance, which identifies the owner(s) of the parent parcel or parent tract.
 - C. The applicant's name, address, phone number, and signature.
 - D. The parcel identification number(s) of the parent parcel or parent tract and a copy of

the most recent tax bill pertaining to the subject parcel(s).

- E. Written verification of approval by the Washtenaw County Road Commission for the design of the intersection of any proposed private road with any County Road.
- F. Additional information as required by the Township to verify application information, geographic site data or to clarify status of other governmental reviews and approvals.

2. A complete legal description of:

- A. The private road easement for ingress, egress, roadway and public utility purposes.
- B. All parcels, including existing or proposed divisions, which are adjacent to, abut, or will have access to the private road. Note parcel numbers, dimensions and area (net and gross) for the parent parcel or tract and all resultant parcels.
- C. Drain and utility easements.

The legal description shall be included on the engineering plans submitted for review.

3. Engineering plans of the proposed roadway construction. Engineering plans, shall be drawn to a minimum scale of 1"=100', shall be prepared by a Registered Civil Engineer, and shall include the following:

- A. A vicinity map (scale of 1" = 2000' +/-) showing the location of the private road in relationship to any access roads and cross streets.
- B. 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.
- C. Proposed improvements shown in plan and profile indicating all materials, grades, dimensions and bearings. The plans shall also show all existing and proposed utilities, structures, and natural conditions existing adjacent to such improvements.
- D. Location, dimensions and size of all existing and proposed property lines, parcels, buildings, wetlands, lakes, streams, ponds, drives, public and private roads, easements, drains, utilities, wells and septic fields, including setbacks from all property lines on the subject parcel(s) and within one hundred (100) feet of the subject parcels.
- E. Soil erosion and sedimentation control measures shall be indicated on the plans.
- F. The proposed location and type of access to each parcel which abuts or has access to

the proposed private road.

4. A copy of the proposed roadway maintenance agreement that will be recorded with the deed or land contract for each lot or parcel to be served by the private road.
5. Application, planning and engineering review fees, as established by resolution of the Township Board.

SECTION 7. ROADWAY DESCRIPTION AND MAINTENANCE AGREEMENT

1. All private roads shall have a minimum road easement of sixty six (66) feet in width and shall include an easement for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and/or removing pipelines, mains, conduits and other installations of a similar character (hereinafter collectively called "Public Structures") for the purpose of providing public utilities, including conveyance of sewage, water and storm water runoff across, through and under the property subject to said easement, and excavating and refilling ditches and trenches necessary for the location of said structures. Bridgewater Township is not obligated or responsible for the installation or maintenance of stormwater or other public structures.
2. The legal description of the roadway easement shall be recorded as a part of the deed or land contract for every parcel of property to which it provides access.
3. A Private Road Maintenance Agreement, in a form approved by the Bridgewater Township Board, shall be recorded as a part of the deed or land contract for every parcel of property to which the road provides access. The Maintenance Agreement shall be binding on all parties, shall guarantee a financial mechanism for, and actual, regular maintenance of the private road by all benefited property owners, and shall include at a minimum the following:
 - A. Creation of a Private Road Association responsible for the maintenance of the private road, including membership, annual meeting, and specification of duties and responsibilities.
 - B. Method of assessment for road maintenance costs, including frequency, apportionment of assessment between property owners, collection process, and method of collection from delinquent property owners.
 - C. Legal description of the private road and all parcels or lots adjacent, abutting or which have access to the private road.
 - D. Purpose of easement, including ingress, egress, stormwater and utility construction, maintenance, installation and improvement.

- E. Yearly estimate of expenses for road maintenance.
 - F. Method of payment of extraordinary expenses.
 - G. Method of notification to Township of Association members, name, address and phone number of the Association President, meetings, by-laws of the association, yearly road maintenance budgets, and minutes of all Association meetings.
 - H. Association responsibility for maintenance in accordance with the approved private road and the Bridgewater Township Private Road Ordinance.
 - I. Remedies for property owner failure to comply with provisions of private road agreement.
 - J. Dust control.
 - K. Notification of subsequent owners of private road agreement.
 - L. Method of future dedication of private road to the public.
 - M. Method of amendment of private road agreement.
 - N. A hold harmless clause in favor of the Township and its agents, boards, commissions, staff and consultants regarding design and maintenance of the private road.
4. Bridgewater Township, the Washtenaw County Road Commission, and the State of Michigan have no responsibility or legal authority to maintain private roads or associated stormwater or utility installations.

SECTION 8. STANDARDS FOR CONSTRUCTION

1. Based upon the specific type of development being proposed, the following table details the road design(s) that may be approved for access to the development under review:

Type of Development	Type of Road Permitted		
	Private Road - Gravel	Private Road - Paved	Public Road
Single Family (No Cluster)			X
Single Family Cluster	X	X	X
Residential Cluster		X	X
Multiple Family		X	X
Mobile Home		X	X
Office			X
Commercial			X
Industrial or Research			X

2. All private roads shall conform with the following:

A. Minimum Road Easement Width

A minimum road easement width of sixty six (66) feet is required for all private roads.

B. Dead-End Roads

1. All dead end private roads shall terminate in a cul-de-sac turn-around. The minimum cul-de-sac pavement radius at the outside edge of the pavement shall be fifty (50) feet. The minimum cul-de-sac right-of-way shall be a seventy five (75) foot radius. Dead-end private roads shall not exceed one thousand (1000) feet in length as measured from the center of the cul-de-sac to the point where the private road easement intersects with a public or private road right of way or easement which has two points of access.

2. Variances from the maximum length of a dead end road may be granted by the Township Board, following review and recommendation of the Planning Commission, Township Engineering Consultant, and Township Planning Consultant. In considering a request for a variance from the maximum length of a dead end road the Township Board shall find that:

- a. The variance is necessary due to unique natural or physical features of the property which render it impractical to adhere to the maximum road length;
- b. The variance will allow development of the property in a fashion which maximizes the use, size, accessibility, or view of dedicated open space within the cluster development;
- c. The density of development is not increased over that which would be permitted under the maximum road length standard.

C. Soil Borings

Soil borings shall be taken by a qualified person or firm at intervals not to exceed 500 feet. Additional borings may be required by the Township Engineer where the USDA Soil Survey of Washtenaw County or on-site inspection indicates unstable soil may be present.

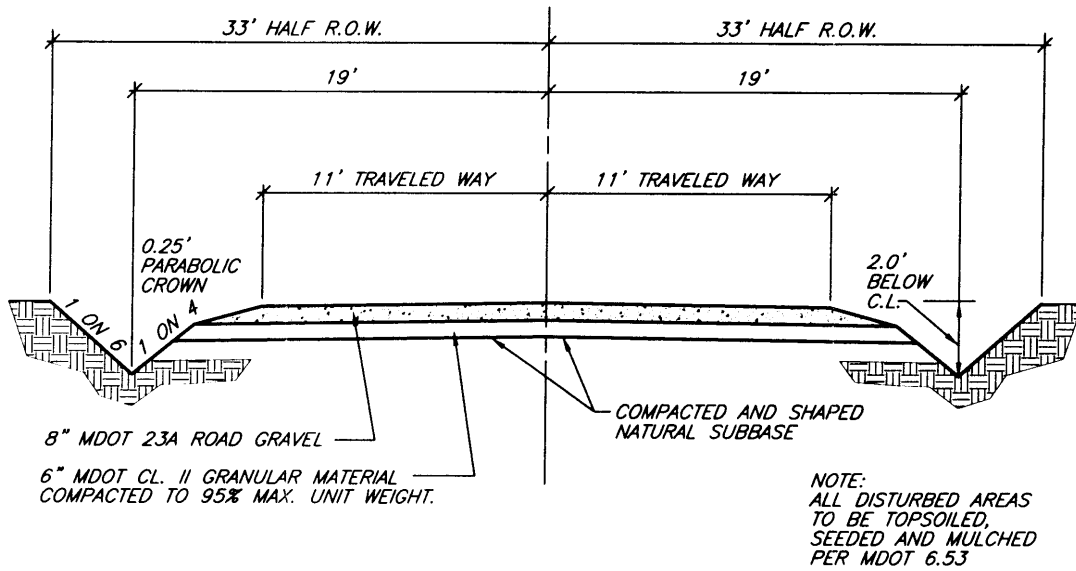
D. Removal and Restoration of Unstable Soils and Vegetation

All unsuitable soil including muck, peat and marl, as well as brush, trees, tree stumps, and similar materials shall be removed from the full width of the road, including the shoulders. All trees shall be cleared within the clear sight zone. These areas shall then be backfilled with MDOT Class II Granular Material to provide a stable sub-grade for the roadway construction. All areas disturbed by construction must be topsoiled, seeded and mulched prior to final approval of the road. Slopes greater than three (3) percent shall be sodded or treated with other appropriate erosion control measures, as approved by the Township Engineering consultant.

E. Private Road Design And Construction Cross-Section Standards

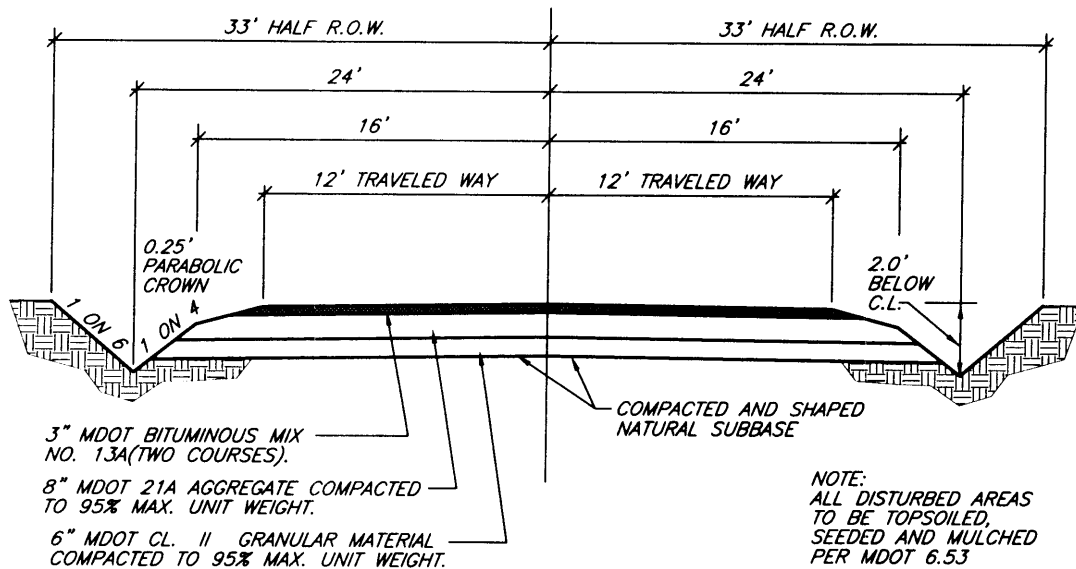
All private roads shall conform with the following Private Road Design and Construction Cross-Section Standards:

	Gravel	Paved
Sub-base	6" of MDOT class II sand; width sufficient to extend to the front slope of the roadside ditch	6" of MDOT class II sand; width sufficient to extend to the front slope of the roadside ditch
Base	---	8" of MDOT specification 21A road gravel; 32' wide
Surface	8" of MDOT specification 23A road gravel; 22' wide	---
Pavement	---	3" bituminous pavement (2 lifts), 13A mix, 24' wide



TYPICAL GRAVEL ROAD SECTION

NO SCALE



TYPICAL PAVED ROAD SECTION

NO SCALE

F. **Alignment Design**

1. All horizontal and vertical alignment and intersection design shall follow the American Association of State Highway Transportation Officials (AASHTO) manual entitled "A Policy On Geometric Design of Highways and Streets", latest edition.
2. The design speed on all interior private roads shall be thirty miles per hour unless approved otherwise by the Township Engineer.
3. All intersections shall meet at right angles and shall be designed such that the first sixty five (65) feet in any direction shall be straight line sections. In general, the intersection shall be aligned directly across from or offset two hundred fifty (250) feet, centerline to centerline, from opposite streets. This offset may be reduced to one hundred fifty (150) feet within a development.
4. Roadway grades shall conform with the following:

Minimum: 0.5%
Maximum: 6% (2% max. within fifty (50) feet of an intersection).

5. Roadway curves shall conform to the following:

Horizontal - Minimum: 230' Radius
Vertical - Minimum: 100' long for changes in gradient of 2% or more. Comply with AASHTO requirements for sight distance.

6. Variances from the Alignment Designs in this Subsection F may be granted by the Township Board, following review and recommendation of the Planning Commission and Township Planning Consultant, and the review, and approval of the Township Engineering Consultant. In considering a request for a variance from the Alignment Designs in this Subsection F the Township Board shall find that:
 - a. The variance is necessary due to unique natural or physical features of the property which render it impractical to adhere to the Alignment Designs;
 - b. The variance will allow development of the property in a fashion which maximizes the use, size, accessibility, or view of dedicated open space within the cluster development;

- c. The density of development is not increased over that which would be permitted under the maximum road length standard.
- d. The Township Engineer has approved the proposed alignment design.

G. Conformance With Required Permits

- 1. The applicant shall obtain a soil erosion control permit from the Washtenaw County Drain Commissioner and shall install and maintain all erosion control devices throughout the construction period.
- 2. Construction permits from the Washtenaw County Road Commission are required for connections to county roads and from the Michigan Department of Transportation for connection to State Highways.
- 3. The applicant shall obtain all required permits, reviews or approvals from other applicable agencies.

H. Private Road Names

All private road names shall be approved by Bridgewater Township Board and the Washtenaw County Road Commission. All required name signs and sign posts shall be erected by the Washtenaw County Road Commission at the expense of the applicant.

I. Minimum Road Frontage

There shall be a minimum of one hundred (100) feet of road frontage for all parcels of property to be located on a private road cul-de-sac bulb.

J. Drainage Requirements

- 1. The private road easement and road shall be adequately drained so as to prevent flooding or erosion of the roadway.
- 2. Open ditches shall be located within the private road easement.
- 3. Ditch grades shall not be less than 0.5% or greater than 6%.
- 4. Ditches with grades in excess of 3% shall provide a means of soil erosion control (sod, rip rap).

5. Ditches shall have a minimum depth of two (2) feet.
6. Curb and gutter roadways with enclosed drainage systems may be required by the Township Engineer.
7. Road drainage shall be constructed so that the runoff water shall be conveyed to existing watercourses or waterbodies.
8. Two (2) feet minimum of earth cover shall be provided on all road culverts. Road culverts shall be provided with end sections.
9. Connection to County drains shall be approved by the Washtenaw County Drain Commissioner prior to issuance of a permit to construct a private road.
10. Connection to roadside ditches within public rights of way shall be approved by the Washtenaw County Road Commission prior to issuance of a permit to construct a private road.
11. Stormwater discharge shall meet the requirements of the Washtenaw County Drain Commissioner's published standards.

SECTION 9. APPLICATION AND REVIEW PROCEDURE

1. The application form, plans and the proposed private road maintenance agreement shall be submitted to the Township Clerk at least two (2) weeks prior to a regular meeting of the Planning Commission. The Clerk shall transmit a copy of the application and all attachments to the Planning Commission, planning consultant, and engineering consultant. The cost of the plan review and construction inspection by the Township planning and engineer consultants shall be paid by the applicant/developer.
2. The Planning Commission shall review the application and the reports of the planning and engineering consultants and shall make a recommendation to the Township Board for approval, approval with conditions, or denial.
3. Upon receipt of the recommendation of the Planning Commission, the design review of the Township Planner, and the technical review of the Township Engineer, the matter will be placed on the agenda of a regular meeting of the Township Board for consideration. The Township Board shall approve the plans only upon a finding that they comply with all requirements of this Ordinance, the Bridgewater Township Zoning Ordinance and the Bridgewater Township Land Division Ordinance.

SECTION 10. INSPECTIONS AND APPROVAL OF CONSTRUCTION

1. All construction shall conform to the plans approved by the Township. All inspections will be based upon the approved plan. Construction not according to the approved plan and/or not inspected according to the Township's requirements shall not be approved.
2. At least one week prior to the start of construction, a pre-construction meeting shall be scheduled by the applicant and held with the zoning administrator and the Township Engineer to discuss the timing, inspection schedule and general conduct of the work.
3. Inspections by the Township Engineer shall be made prior to the installation of the sub-base, after the installation of the subbase, after the installation of each course of the surface, and after final grading, seeding and drainage is complete. The contractor or developer shall notify the Township Engineer 48 hours before the conclusion of each step in road construction so that the required inspections can be scheduled. The developer is responsible for insuring that all required inspections are scheduled and occur.
4. The applicant shall provide weigh slips which certify the weight and class of material used for all sub-base and aggregate used for the road and shoulder surfaces.
5. Inspections shall be certified by the Township Engineer. The completed inspection reports shall be filed with the Township Clerk so that a complete record of the private road construction is available.
6. All inspection fees shall be paid by the applicant prior to scheduling of inspections.

SECTION 11. PERFORMANCE BOND

The applicant shall file with the Township Clerk a cash deposit, certified check, irrevocable bank letter of credit or surety bond acceptable to the Township sufficient to cover the total cost of the required improvements. Said performance bond shall be submitted to the Township prior to issuance of any permit to commence construction. When the work is completed, inspected, and approved by the Township, the entire bond will be released to the applicant.

SECTION 12. EXTENDING EXISTING PRIVATE ROADS

In those cases where the applicant wishes to extend an existing private road, such extension shall be considered only where the existing private road is brought into conformance with this Ordinance. All such standards as set forth herein shall apply to both the proposed extension and the existing roadway. The consent of all those persons who own any interest in the existing right-of-way, or have the right of access to their property therefrom, shall be required in writing and shall be filed with the application for review and approval hereunder. Such consent shall provide:

1. That the party consents to the extension of the roadway pursuant to the application and all site and engineering plans, and
2. That the party consents to the upgrading of the existing private road to the standards as set forth herein, and where applicable, will agree to deed such easements or right-of-way as are necessary to create the width and the like requirements as set forth herein, and
3. That the party consents to become a member of, and be bound by the provisions governing, the private road association which will be formed by the proposed private road extension.

SECTION 13. PRIVATE ROADS NOT MEETING STANDARDS OF ORDINANCE

In those instances where a permit is being sought for the construction of a structure on an existing private road which does not meet the standards as herein set forth, the Township Board shall, wherever possible and practical, require that said private road be brought into compliance with the standards as herein set forth.

SECTION 14. PRIVATE ROAD EASEMENT OWNERSHIP

Private road easements shall be owned by the adjoining property owners who gain access of said easement. If a parcel adjoining said easement is not to be served by said easement, then the easement agreement dedicating such easement shall specifically provide for that exclusion, and said adjoining property shall not share in the ownership of the private road easement nor have access to the easement or any improvements therein.

SECTION 15. ENFORCEMENT AND PENALTIES

1. The Township shall notify the responsible party or parties of violation(s) in writing. Said notice shall include the nature of the violation(s), the date on which the violation(s) were observed, and the action(s) necessary to eliminate the violation. Violations shall be corrected by the responsible party within ten (10) days of the date of the notice.
2. Violation(s) of the provisions of this Ordinance, are punishable to the extent provided by law and shall be subject to a fine of up to five hundred (500) dollars and imprisonment up to ninety (90) days. Each and every day during which a violation continues shall be deemed a separate offense. The imposition of a sentence by a court of jurisdiction shall not exempt the offender from compliance with the provisions of this Ordinance.
3. The Township Board may institute injunctive proceedings to prevent or enjoin any violation of the provisions of this Ordinance.
4. The rights and remedies provided herein are cumulative and in addition to other remedies provided by law.

SECTION 16. VALIDITY

This Ordinance and the various parts, sections, subsection, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.

SECTION 17. RELATIONSHIP TO OTHER LAWS AND ORDINANCES

Whenever regulations or restrictions imposed by the Ordinance are either more or less restrictive than regulations or restrictions imposed by governmental authority through legislation, rule or regulation, the more restrictive regulations or those which impose higher standards shall govern.

SECTION 18. EFFECTIVE DATE

This Ordinance shall take immediate effect following publication of a notice of adoption, as provided by law. Effective Date: October 9, 1997

SECTION 19. CERTIFICATION

I, Karen Weidmayer, Clerk of Bridgewater Township, Washtenaw County, Michigan, hereby certify that the foregoing ordinance of Bridgewater Township was duly adopted by the Bridgewater Township Board at a regular meeting held on September 17, 1997.

I further certify that board members Mann, Peacock, Wahl and Weidmayer voted for adoption of the ordinance and no board members voted against adoption. Board member Parr was absent. I further certify that notice of adoption was printed and published on the ninth (9th) day of October, 1997, in the Manchester Enterprise, a newspaper circulated in Bridgewater Township. I further certify that I delivered a copy of the foregoing ordinance to the Washtenaw County Clerk on October 16, 1997.

Karen Weidmayer, Clerk