

STATE OF MICHIGAN
COUNTY OF WASHTENAW
CHARTER TOWNSHIP OF ANN ARBOR
PRIVATE ROAD ORDINANCE
ORDINANCE NO. 2-01
ADOPTED DECEMBER 17, 2001

EFFECTIVE: IMMEDIATELY UPON PUBLICATION

AN ORDINANCE OF THE CHARTER TOWNSHIP OF ANN ARBOR ESTABLISHING PROVISIONS FOR APPROVAL OF PRIVATE ROADS.

IT IS ORDAINED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF ANN ARBOR, MICHIGAN, as follows:

Part 110 Private Roads is amended in its entirety to read as follows:

Sec. 110.001. Intent.

Sec. 1. The Ann Arbor Charter Township Board hereby finds that unobstructed, safe and continuous access to lots is necessary to promote and protect the health, safety, and the welfare for the public through police and fire protection, and ambulance service. The Ann Arbor Charter Township Board further finds that such access is necessary to insure that such services can safely and quickly enter and exit private property at all times. The Ann Arbor Charter Township Board further finds that when public dedication is desirable or required, access to the interior of certain sections within Ann Arbor Charter 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. 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.

Sec. 110.002. Definitions.

Sec. 2.

- 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 Washtenaw County, Michigan.
- C. *Lot.* A parcel of land; real estate.

- D. *Permit.* A right-of-way permit issued pursuant to this ordinance.
- E. *Private Road.* A privately owned and maintained route, which provides vehicular access to a lot or lots and which has not been dedicated to public use.
- F. *Township Board.* The Board of Ann Arbor Charter Township.
- G. *Township Clerk.* The Clerk of Ann Arbor Charter Township.
- H. *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.

Sec. 110.003 Parcels of Land Exempted from Road Ordinance; Permit Requirements.

Sec. 3. The provisions of this ordinance shall not apply where only one or two lots are used, or intended to be used, for no more than two single-family dwelling units and do not adjoin a public road, provided:

- A. Said lots share a right-of-way for ingress and egress to a public road;
- B. The right-of-way provides a safe means of access for ingress and egress for emergency, fire, and police vehicles from the public road to the single-family dwelling units;
- C. The lots are located no greater distance than 1,500 feet from the center line of said public street; and
- D. The right-of-way is recorded in the office of the Register of Deeds of Washtenaw County.

Furthermore, the owners of such lots shall apply to the Township Clerk for a Permit under this section. The applicant shall furnish the Clerk a survey or 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 Clerk a fee for said Permit as established by resolution of the Ann Arbor Charter Township Board. The clerk shall transmit the application, including all drawings to the Township Fire Chief and Township Zoning Official for review and recommendation. The Clerk shall review the reports of the Fire Chief and Zoning Official and shall issue the Permit if the applicant has provided the information required herein, paid the required fee and if the Township Fire Chief and Township Zoning Official have reported that the Application meets the criteria of this section. Upon completion of construction in compliance with the approved permit the Zoning Official shall issue a Certificate of Compliance.

110.004 General Requirements; Application Requirements.

Sec. 4. Unless expressly exempt from the other provisions of this ordinance pursuant to Section 3:

- A. Every lot in Ann Arbor Charter Township that is improved with a building shall either abut a road dedicated to the public or a private road which meets the requirements of this ordinance.
- B. No lot shall be improved with a building unless a Permit in accordance with this ordinance has been issued.
- C. No person shall construct, alter, or extend a private road without compliance with this ordinance and obtaining a Permit as hereinafter provided.
- D. 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.
- E. The owner of such lot shall apply to the Township Clerk for a Permit which shall consist of the following information:
 - (1) A legal description of each lot to be served by the right-of-way.
 - (2) A legal description of the right-of-way.
 - (3) The names and addresses of all persons or parties owning an interest in the title to the lots and right-of-way area.
 - (4) A survey drawing showing the outline of the proposed right-of-way and the dimensions and bearings thereof.
 - (5) Existing topographic contours, at 1 foot intervals, of the right-of-way area and all adjacent land within 100 feet thereof, or within such greater area as may be necessary to determine whether drainage methods will be adequate.
 - (6) Soil characteristics and wet areas.
 - (7) Trees.
 - (8) Streams and all bodies of water within 100 feet from the right-of-way area, or within such greater area as may be necessary to determine whether drainage methods will be adequate.

- (9) Existing buildings within 20 feet of the proposed right-of-way.
- (10) The proposed right-of-way in relation to the nearest property lines.
- (11) The location of all proposed improvements in the right-of-way area.
- (12) Plan and profile drawings and cross sections of the proposed improvements showing clearly all materials, grades, and dimensions.
- (13) 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.
- (14) A fee as established by resolution of the Township Board to defray the costs of plan review, administration, inspection and enforcement of this ordinance.
- (15) 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.
- (16) All drawings 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.
- (17) In addition, the Applicant shall provide evidence that the proposed right-of-way will be built in conformance with
 - (a) The Township Wetland and Watercourse Protection and Restoration Ordinance.
 - (b) The Township Natural Features Setback Use Ordinance.
 - (c) The Washtenaw County Drain Commissioner's standards for stormwater retention and drainage facilities.

110.005 Permit Approval Procedure

Sec. 5.

- A. Upon receipt of an application, the Township Clerk shall bring the application before the Township Board at its next regular meeting. The

Township Board shall refer the application materials to the Township Engineer for review and comment and the Board may, in its discretion, refer the application to the Township Planning Commission or 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 right-of-way and roadway 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.
- 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 right-of-way and roadway 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 Treasurer 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 7 of 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 Clerk shall issue the Permit pursuant to the terms established by the Township Board Resolution 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 the Permit.

110.006 Specifications for Rights-of-Way and Roadways.

Sec. 6. Each right-of-way and its roadway shall conform to the following specifications:

- A. Private roads shall be divided into three classes, as follows:

- (1) Class A private roads shall be any private road that meets one or more of the following criteria:
 - (a) Serves fifty* or more single-family residential lots, or has a reasonably foreseeable potential to be extended in the future to serve a total of fifty 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 length of more than 1,500 feet(increase this), measured on the roadway centerline, from the centerline of the public road to the centerline of the other intersecting road, or the center of the turnaround.
 - (d) Serves one or more nonresidential uses, not including farm uses and associated buildings.

*according to AASHTO, ASCE, streets can be as narrow as 22 feet if they serve under 50 homes

- (2) Class B private roads shall be any private road that meets the following criteria:
 - (a) Serves less than fifty single family residential lots.
 - (b) Has a road length between 1,000 feet and 1,500 feet (increase this).
- (3) Class C private roads shall be any private road that meets the following criteria:
 - (a) Serves less than fifty single family residential lots.
 - (b) Has a road length less than 1,000 feet.

B. All Class A, Class B and Class C private roads shall meet the following minimum requirements and specifications:

- (1) The roadway surface and turnaround area shall be centered in the right-of-way.
- (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.

- (3) Underground crossroad drainage shall be provided where the proposed right-of-way crosses a stream or other drainage course. Necessary culverts and erosion treatments shall be provided in accordance with the specifications of the Washtenaw County Road Commission.
 - (4) The right-of-way and roadway shall be adequately drained so as to prevent flooding or erosion of the roadway. Open swale/ditch drainage systems will be preferred to enclosed storm sewers where applicable governmental standards and site conditions permit. Open swales/ditches shall be located within the right-of-way. Road drainage shall be constructed so that runoff water shall be conveyed to existing watercourses or water bodies. The discharged water shall not be discharged upon the land of another property owner unless the water is following an established watercourse. The discharged water onto adjoining properties shall also not exceed the normal agricultural rate. Connection to county drains shall be approved by the Washtenaw 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) Road signs shall be erected and maintained in accordance with the Michigan Manual of Uniform Traffic Control Devices.
 - (6) The right-of-way shall provide for ingress, egress, drainage, and installation and maintenance of public and private utilities.
- C. Class A, Class B and Class C private roads shall also meet their respective minimum requirements and specifications as set forth in Table 1, herein.

Table 1

MINIMUM REQUIREMENTS AND SPECIFICATIONS
FOR PRIVATE ROADS

	Class A	Class B	Class C
Right-of-way Width	40 feet	30 feet	30 feet
Sub-base	6 inches of compacted MDOT Class II. 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	8 inches of MDOT 22A in two equal courses, each compacted 26 feet wide	6 inches of MDOT 22A in two equal courses, each compacted 22 feet wide	6 inches of MDOT 22A in two equal courses, each compacted to 18 feet wide
Pavement	3 inches bituminous mixture Type 13A, in two courses 24 feet wide. Curb and gutter permitted, however in rural areas vegetated swales are preferred.	If paved, 3 inches bituminous mixture Type 13A, in two courses 22 feet wide. Curb and gutter are prohibited.	Not applicable

	Class A	Class B	Class C
Turnaround area			
Cul-de-sac	45 foot radius right-of-way, 35 foot radius roadway surface	45 foot radius right-of-way, 35 foot radius roadway surface	Same as Class B.
T-Type	Not Permitted	24 foot x 70 foot turnaround with equal legs may substitute	Same as Class B.
Ditches			
Minimum Grade	0.5%	Same as Class A	Same as Class A.
0.5%-4.0% slope	Sod or an approved geotextile mat.	Same as Class A	Same as Class A.
4.1% and steeper slope	Rip-Rap	Same as Class A	Same as Class A.
Front/back side slopes	1 on 4	Same as Class A	Same as Class A.
Check dams	Channels greater than 50 feet in length shall be equipped with check dams in accordance with the MDNR's "Guidebook of Best Management Practices for Michigan Watersheds."	Same as Class A	Same as Class A.
Roadway Grades			
Minimum	0.5%	Same as Class A	Same as Class A
Maximum	6.0%	Same as Class A	Same as Class A
Roadway Curves			
Horizontal-minimum	230 foot radius	Same as Class A	Same as Class A
Vertical-minimum	100 foot long for changes in gradient of 2% or more	Same as Class A	Same as Class A
Curb and Gutter	May be required by Township Board.	Not Permitted	Not Permitted
Height clearance for Vegetation	15 feet	Same as Class A	Same as Class A

Sec. 110.007 Inspection

Sec. 7. 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 in writing to the Township Engineer using the form provided by the Township, 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 certificate of completion by the Township Engineer shall be in a form as provided by the Township Board and a copy 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 administration and 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.

Sec. 110.008 Expiration of approval of permits.

Sec. 8. 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 effect and all deposits shall be forfeited to Ann Arbor Charter Township.

Sec. 110.009 Recording of rights-of-way.

Sec. 9. The right-of-way, including all agreements as identified in Section 4.E.13, herein, shall be recorded in the office of the Register of Deeds for Washtenaw County, after approval of the language of the agreement by the Township attorney, prior to the issuance of the certificate of completion required in Section 7, herein.

Sec. 110.010 Building permits.

Sec. 10. 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.

Sec. 110.011 Certificates of occupancy.

Sec. 11. 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 7, 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.

Sec. 110.012 Variances

Sec. 12. 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 lot, 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. Any applicant may apply for a variance from any provision of the ordinance by filing an application for variance with the Township Clerk.

The Township Board 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 Board shall keep a record of said hearing and shall render a written decision not later than the next regular Township Board Meeting held 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 applicant to comply with the conditions shall void the variance.

This provision of the ordinance is intended, in part, to enable 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 conditions, topographical considerations, or other factors.

Sec. 110.013 Violations

Sec. 13. Sanctions for Violations. A person or entity who violates any provision of this Ordinance is responsible for a municipal civil infraction as defined by Michigan law, and subject to a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
First violation within a three year period*	\$50	\$500
Second violation within a three year period*	\$125	\$1,000
Third violation within a three year period*	\$250	\$2,500
Fourth or subsequent violation within a three year period*	\$400	\$5,000

*determined on the basis of the date of violation(s)

In addition, a person or entity violating this Ordinance shall be responsible for payment of all direct and indirect costs and expenses which the Township incurs in connection with the violation, including reasonable attorneys' fees in an amount by law.

A person or entity violating this Ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan law.

Each day a violation of this Ordinance continues to exist constitutes a separate violation.

Any access that is used in violation of the terms of this Ordinance is a nuisance per se and such use may be abated, restrained, enjoined and prohibited, upon commencement of an appropriate action in the Circuit Court.

Sec. 110.014 Effective date

Sec. 14. This ordinance shall become effective immediately upon its publication in a newspaper of general circulation throughout Ann Arbor Charter Township.

Private Road Construction Certification

Project Name

Project Number

I, _____, acting as the _____,
Print or Type Name Title of Office

for the _____, certify that the facilities installed were
Applicant/Permit Holder

constructed in substantial compliance with the approved plans and specifications. These facilities have passed inspection and testing requirements as specified in the Township Private Road Ordinance. Any substantial changes/deviations from the approved plans are noted as follows:

(List here or attach separate list)

_____.

In addition, I, _____, certify that the road has been constructed on the
Print or Type Name

location shown on the approved plans. Further, as-built drawings of the project have been prepared and submitted to the Township.

Signature

Date

Seal

Enclosures:

_____ Daily Inspection Reports

_____ Material Testing Reports by _____
Name of Firm

_____ Other: _____