

PRIVATE ROAD ORDINANCE
ORDINANCE # 13
Lapeer Township
Lapeer, County, Michigan

An ordinance to regulate and establish standards for the approval and construction of private roads outside of recorded subdivisions.

The Township of Lapeer ordains:

Section 1. Short Title:

This ordinance shall be known as the Private Road Ordinance.

Section 2. General Provisions:

- A. This ordinance shall apply to all land which is divided into parcels or lots for residential purposes.
- B. No zoning compliance permit, building permit, or certificate of occupancy shall be issued within the township unless such use or building occupies a parcel or lot which fronts on a public street or a private road improved to the standards of this ordinance. A private drive may be utilized in lieu of frontage on a public or private road, provided the following conditions are met:
 - 1. The private drive provides direct access from the residential lot or parcel to a public road or a private road complying with this ordinance.
 - 2. The private drive is located on a legally valid and recorded easement or other interest in land which is attached to the residential lot or parcel.
 - 3. No private drive shall serve more than one dwelling.
- C. A document describing the private road and the provisions for maintenance shall be recorded with the Register of Deeds and also be provided to the purchaser. The maintenance provisions shall apportion the maintenance responsibilities among the appropriate property owners.

Section 3. Standards for Private Roads:

- A. All private road rights-of-way shall be a minimum of 66 feet in width and shall be shown on the land division drawing as an easement for roadway purposes.
- B. Intersecting streets shall be between 75 degree and 90 degree angles at intersections. Minimum radius at intersections shall be 30 feet measured from the edge of the traveled way.
- C. Minimum sight distances shall be 400 feet at intersections with local roads and 600 feet at intersections with primary roads.
- D. Curves shall be constructed so as to have a minimum design speed of 35 miles per hour.

- E. Road grades shall be a minimum of 0.4 percent and a maximum of 6.0 percent.
- F. Surface material shall be removed and excavated for a distance of 24 feet in width, centered on the 66 feet, for the full length of the private road. The completed traveled way shall be a minimum of 24 feet in width.
- G. Roadside ditches shall be at least 33 feet apart, center to center, and shall have a minimum depth of 18 inches from the shoulder elevation and a minimum width of 24 inches.
- H. There shall be a minimum sub-base of compacted material consisting of eight inches of sand and a top four inches of #22A gravel. All trees, stumps brush and the roots thereof shall be entirely removed from within the grading limits of all private roads and shall be disposed of outside of the 66 foot easement area.
- I. Culverts shall be required in all driveways. Culverts shall be a size indicated on the approved construction plans with a minimum size of 12 inches diameter and 20 feet length, 16 gauge corrugated metal pipe. Standard cross road culverts shall be a minimum of 18 inch diameter, 16 gauge corrugated metal pipe.
- J. If such private road be dead-end it shall terminate with a one hundred forty (140) foot diameter turn around, or cul-de-sac, fully graveled, and with all other specifications conforming to the requirements above stated for a private road.
- K. Seeding and Mulching-- All earth excavations and private roads have to conform with the County Drain Commissioner's requirements and a permit should be obtained from him before any excavations are started.

Section 4. Review, Inspections, Permits, Fees, and Appeals:

- A. Plans for a private road shall be submitted to the Township Planning Commission for review. Materials submitted shall include:
 - 1. Engineering plans for the proposed private road which comply with Section 3 of this ordinance.
 - 2. Drawings showing all existing and proposed grades, drains, structures, and other significant physical features.
 - 3. A legal description of the property.
 - 4. The proposed maintenance agreement and easement.
- B. The Township Building Inspector shall inspect and approve of the private road improvements prior to issuing any compliance permits for said road. The Township Board may contract with private engineers or the County Road Commission to assist the Building Inspector in determining the acceptability of private road improvements.
- C. The Township Board may establish a fee to cover the cost of review and inspections pursuant to this ordinance. Said fee shall be paid prior to the issuance of any permits.

- D. Permits shall be obtained from the County Road Commission before entrances are constructed onto county right-of-ways.
- E. The Township Board of Appeals shall have jurisdiction to consider appeals for variances or exceptions form this ordinance.

Section 5. Severability Clause:

This Ordinance and each article, section, sub-section, paragraph, sub-paragraph, part, provisions, sentence, word and portion thereof are hereby declared to be severable. If any article, section, sub-section, paragraph, part, provision, stentence, word, and/or portion is adusdged by a Court of competent jurisdiction to be invalid or unenforceable for any reason whatsoever, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

Section 6. Repeal of Conflicting Provisions:

All ordinances, or parts of ordinances, in conflict with the provisions of this ordinance are to the extent of such conflict, hereby repealed.

Section 7. Effective Date:

This ordinance shall be effective on the 27th day of May 1977, 30 days after publication.

Lapeer Township Board

By Milton Belz
Milton Belz, Supervisor

Ila M. Burris
Ila M. Burris, Clerk

Adopted by Board April 7, 1977