

**TOWNSHIP OF MARATHON**

**PRIVATE ROAD AND DRIVE ORDINANCE**

**ORDINANCE NO. 2008-1**

An ordinance to regulate the design, construction, inspection, approval, and maintenance of private roads within the Township.

**THE TOWNSHIP OF MARATHON ORDAINS:**

Section 1. GENERAL PROVISIONS FOR PRIVATE ROADS AND DRIVES.

- A. For purposes of this Ordinance, the term “private road” is defined as a privately owned road or drive which provides access to any building site which is not located on a parcel of land having frontage on a public road.
- B. No private road shall be constructed within the Township unless it is in compliance with the requirements of this Ordinance.
- C. No zoning compliance permit, building permit, or certificate of occupancy for any structure shall be issued within the Township unless the parcel of land fronts on a public road or on a private road improved to the standards of this Ordinance or unless the parcel has access by a private drive easement pursuant to Section 1.F. Each parcel on a public or private road shall have road frontage equal to the minimum lot width required by the zoning ordinance.
- D. Private roads shall not be dedicated to the Township.
- E. Private roads shall not be maintained by the Township except pursuant to a duly established special assessment district which assesses the entire cost to the property owners.
- F. A private drive easement may be utilized in lieu of road frontage, provided the following conditions are met:
  - 1. The private drive connects directly onto a public road.
  - 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. The width of the easement or other legal interest in land on which the private drive is located is at least sixty-six (66) feet in width.
  - 4. The private drive does not serve more than two (2) parcels of land.

5. A Private Drive Maintenance Agreement acceptable to the Township is filed along with the land division application and subsequently recorded with the Register of Deeds.

Section 2. MINIMUM CONSTRUCTION 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 meet at as close to 90 degree angles as possible, with a variation of no more than 10 degrees.
- C. Minimum sight distances shall be 400 feet at intersections with local roads and 750 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 0.2 percent and a maximum of 6.0 percent.
- F. All vegetation and top soil shall be removed and excavated 34 feet in width, centered on the 66 feet, for the full length of the road. The completed traveled way shall be a minimum of 30 feet in width.
- G. There shall be a minimum sub-base of compacted material consisting of (8) eight inches of sand and a top six (6) 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.
- H. All driveway culverts shall be of a size to assure uninterrupted drainage, but in no case shall be less than 12 inches in diameter. All culverts shall be at least 20-feet in length. All driveway culverts shall be constructed of at least 16 gage corrugated metal pipe, corrugated dual wall plastic pipe or reinforced concrete pipe. If corrugated plastic pipe is used, the ends of the culvert shall be anchored with metal end sections. Sodding, planting, seeding, rip-rapping or other measures of soil erosion control shall be used within roadside ditches and private road easements.
- I. Each permanent dead-end street shall be provided with a turn-around which has a minimum easement diameter of one hundred fifty (150) feet and a minimum road diameter of one hundred twelve (112) feet.
- J. Road signs for private roads must be properly placed at the intersections of the private road and any public roads. Such signs shall conform to minimize size standards as set by the Road Commission.
- K. Roadside ditches shall be at least 50 feet apart, center to center, and shall have a minimum depth of 18 inches from the shoulder. Minimum width at the bottom of the ditch shall be 36 inches. Minimum width to depth ratio shall be 3 to 1. All ditches shall be designed to adequately drain all run-off from private roads.

- L. A drainage plan, with any necessary easements, shall be engineered and developed in conformity with the Design Standards contained in the Subdivision Control Procedures adopted by the Lapeer County Drain Commissioner. The drainage plan shall be designed to provide for drainage of all properties served by the private road.
- M. A document describing the private road easement, any drainage easements, and the provisions for road and drainage maintenance shall be recorded with the Register of Deeds and also provided to the purchaser. The maintenance provisions shall apportion the maintenance responsibilities among the benefitting property owners and shall run with the land. The proposed maintenance agreement shall be reviewed and approved by the Township Attorney prior to recording.
- N. All construction standards required by the Lapeer County Road Commission for new road construction shall be complied with, except for paving requirements.

Section 3. REQUIREMENTS FOR PLANNING COMMISSION APPROVAL.

- A. Plans for a private road shall be submitted to the Township Planning Commission for review. Materials submitted shall include:
  - 1. A legal description and survey of all properties to be served by the private road, together with verification that all proposed parcels are in compliance with zoning ordinance and Land Division Act requirements.
  - 2. A legal description and survey of the proposed private road easement and any drainage easements.
  - 3. Drawings showing all existing and proposed structures, roads, drives, drains and other significant physical features on the property.
  - 4. Engineering plans for the proposed private road which comply with Section 2 of this Ordinance.
  - 5. A proposed road and drainage maintenance agreement. The agreement shall utilize the model agreement provided by the Township or else shall be accompanied by a written opinion from the Township Attorney indicating that the alternate agreement complies with this Ordinance.
- B. No private road construction shall begin until the Planning Commission has approved the proposed road by a recorded vote.

Section 4. INSPECTIONS, FEES, AND PERMITS FOR PRIVATE ROADS.

- A. The Township shall not grant final approval for the use of any private road until the completed road has been inspected for compliance with this Ordinance.

- B. The Township may contract with a public agency or a civil engineer to inspect private road improvements. The inspecting civil engineer shall not be the same engineer that prepared the private road plans.
- C. The Township Board shall establish fees to cover all the costs of review and inspections. The fee shall include an administrative fee plus reimbursement of all costs for engineering reviews, legal reviews, and inspections.
- D. A permit shall be obtained as to compliance with the Michigan Soil Erosion And Sedimentation Act prior to the commencement of road construction.
- E. If construction is to occur within five hundred (500) feet of a lake or stream, a permit shall be acquired from the Michigan Department of Environmental Quality.
- F. Permits shall be obtained from the County Road Commission before entrances are constructed on to any county or state rights-of-way.

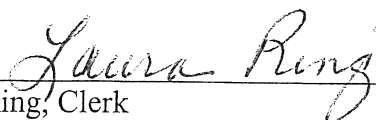
Section 5. COMPLETION DATE AND PERFORMANCE BOND.

- A. A private road shall be fully constructed to all specifications within one (1) year of the date that Planning Commission approval is granted.
- B. The applicant shall file a financial guarantee with the Township Clerk in the form of a cash deposit, certified check, certificate of deposit, irrevocable bank letter of credit or surety bond acceptable to the Township sufficient to cover the total cost of the required road improvements. When the work is completed by the applicant and approved by the Township, the financial guarantee will be returned to the applicant.

Section 6. APPEALS.

- A. The Township Zoning Board of Appeals shall have jurisdiction to consider appeals for variances from this Ordinance.
- B. A variance may only be granted by the Zoning Board of Appeals if the applicant can show a unique hardship related to the specific property if the strict requirements of the ordinance are applied.

The undersigned Clerk of the Township of Marathon hereby certifies that this Ordinance was adopted by the Township Board at a meeting duly held on the 8<sup>th</sup> day of July, 2008 and a synopsis was published in the LA View on the 17<sup>th</sup> day of July, 2008. This Ordinance became effective upon the date of publication.

  
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Laura Ring, Clerk