

STATE OF MICHIGAN  
COUNTY OF ALGER, TOWNSHIP OF MATHIAS  
PRIVATE ROAD ORDINANCE  
ORDINANCE NO. 2010-8-12

Adopted: 8-12-10 Effective: \_\_\_\_\_

Amended: \_\_\_\_\_

An Ordinance to regulate the development of private roads within the Township of Mathias.

TOWNSHIP OF MATHIAS, COUNTY OF ALGER, MICHIGAN  
ORDAINS:

SECTION I  
TITLE

This Ordinance shall be known and cited as the Mathias Township Private Road Ordinance:

SECTION II  
PURPOSE

It is the purpose of this Ordinance to promote the health, safety and general welfare of Mathias Township residents by setting standards for the construction of private roads.

SECTION III  
DEFINITIONS

- A. "Driveway" – A vehicular access way serving one lot.
- B. "Common Driveway" – A vehicular access way serving two lots with recorded easement and maintenance agreements between land owners. Any extension of a common driveway shall be the creation of a private road under this ordinance.
- C. "Private Road" – A privately owned road serving more than two parcels over which neither the municipality nor the public has a right to travel by vehicle or on foot.
- D. "Public Road" – A way or public easement for highway purposes held by any governmental body.
- E. "Road" – Any public or private way designed for vehicular access, other than driveways, common drives, farm roads, trails or logging roads. The term "road" includes the normal meaning conveyed by synonymous words including street, avenue, highway, lane or way.
- F. "Professional Engineer" – An engineer licensed by the State of Michigan.

- G. "Right-of-Way" – A street alley or other thoroughfare or easement permanently established for passage of persons, vehicles, or location of utilities. The right-of-way is delineated by legally established lines or boundaries.
- H. "Parcel" – A tract of land, excluding any portion in a street or road right-of-way, of at least sufficient size to meet minimum requirements for use, area, setbacks and open space as defined in the current Mathias Township Zoning Ordinance.

SECTION IV  
FEES AND APPLICATION

- A. The application fee for a Private Road Permit as established by the Mathias Township Board must be paid at the time of application.
- B. Application Requirements – The following information shall be submitted to the Mathias Township Zoning Administrator as part of the application for a Private Road Permit:
  - 1) Name of Applicant(s)
  - 2) Name(s) of the owner(s) of record of the land.
  - 3) Copies of the recorded instruments of conveyance for those listed in Section 2.
  - 4) The estimated volume and type of traffic to use the road.
  - 5) The anticipated starting and completion dated of each phase of road construction.
  - 6) A description of erosion, sedimentation and dust control measures to be employed during and following construction.
  - 7) Sufficient copies of a site plan with a scale of not less than 1" = 100' shall be provided to the Mathias Township Zoning Administrator, prepared by a Professional Engineer showing:
    - a) A sketch showing the general relationship of the proposed property division to the surrounding area within one-half (1/2) mile with a scale of not less than 1" = 200'.
    - b) Property lines of existing or proposed parcels to be served by the private road, property lines and owner's names and addresses of adjacent tracts of subdivided and unsubdivided land, shown in relation to the proposed property division (if any), including those across abutting roads.
    - c) Locations, widths, names and citations of existing prior easements of record, public and/or private.
    - d) Location of existing sewers, water mains, storm drains and other underground utilities within or adjacent to the property.
    - e) The site plan shall show the topography drawn as contours within an interval not less than two (2) feet.

- f) Existing and proposed drainage patterns and any proposed retention ponds.
- g) The location of significant natural features such as natural water courses, bodies of water, wetlands, and slopes over twelve (12) percent.
- h) Indication of parcels of land intended to be dedicated or set aside for public use or for the use of property owners in the subdivision for dedicated open space easements, or easements for future utilities, if any.
- i) Layout of the proposed private road, including right-of-way width, surface width, grades, connections to other private roads and/or public streets or highways.
- j) Proposed private road maintenance agreement and proposed private road easement agreement.
- k) Proposed street name.

SECTION V  
STANDARDS FOR APPROVAL

The proposed private road shall meet the following standards:

- 1) A private road legal description shall grant easements for the installation and maintenance of public utilities.
- 2) The minimum right-of-way width shall be sixty-six (66) feet.
- 3) The maximum grade shall not exceed ten (10) percent.
- 4) The minimum horizontal curve radius shall not be less than three hundred (300) feet.
- 5) The minimum radius for cul-de-sacs shall not be less than eighty (80) feet.
- 6) The traveled portion of the private roadway shall be of sufficient width in order to allow for two-way traffic excluding mandatory shoulders on both sides of the road. The shoulder width shall be of sufficient width so as to not impede the two-way traffic.
- 7) Public or private utilities shall not be located within the right-of-way of the private road.
- 8) Adequate sight distance of 10 times the speed limit in feet (for example, a 45 mph zone requires 450 feet) visibility in each direction. This shall be measured from where the driver's seat of a vehicle would be situated fifteen (15) feet from the edge of the shoulder, with the height of the eye at 3-1/2 feet, to the top of an object at 4-1/2 feet above the pavement.
- 9) Drainage will neither erode the proposed road nor wash directly onto the public road or adjoining properties.
- 10) The private road shall have a signed "Hold Harmless" agreement recorded at the office of the Alger County Register of Deeds.

- 11) No fence, wall, sign, screen or any planting shall be erected or maintained in such a way as to obstruct vision between a height of three (3) and ten (10) feet within the triangular area formed by the intersection of a road right-of-way line and a private road right-of-way line and a line connecting two (2) points which are located on those intersecting right-of-way lines, thirty (30) feet from the point of intersection.
- 12) Parcels fronting on private roads shall meet the required front yard setback and parcel width for their district as set forth in the Mathias Township Zoning Ordinance.
- 13) The angle of intersection with the public or private road must be as close to 90° as possible, but never less than 60°.
- 14) Regulation Michigan State Highway stop signs shall be positioned and installed in accordance with the most recent "Michigan State Manual of Uniform Traffic Control Devices" on all private roads where such roads intersect public roads or streets, State or United States Highways or Mathias Township Approved Private Road.
- 15) Private Roads shall comply with the current Alger County Road Commission standards for the construction of public roads excluding blacktop.
- 16) Design plans shall be prepared and sealed by a Michigan registered civil engineer. As-built plans are required and shall bear the seal and certification of the Michigan registered engineer confirming that the construction of the private road is compliant with the original design plans.

#### SECTION VI PRIVATE ROAD PERMIT DENIAL/RIGHT TO APPEAL

If any of the applicable conditions as outlined above are not met or there is information missing from the application, then the Mathias Township Zoning Administrator may deny the Private Road Application.

If the applicant feels that the Mathias Township Zoning Administrator has erred in the interpretation of this Ordinance, then the the applicant may file an appeal with the Mathias Township Board within forty five (45) days of the denial. The required filing fee must accompany said request for appeal.

If the applicant feels that the denial of the Private Road Application creates an undue hardship, then the applicant may request a variance from the Mathias Township Board pursuant to the standards for a variance as set forth in the Mathias Township Zoning Ordinance.

#### SECTION VII CONSEQUENCES OF NONCOMPLIANCE WITH THIS ORDINANCE

Any parcel accessed by a private road created in noncompliance with this Ordinance shall not be eligible for any building permits, zoning compliance permits, site plan approvals, special use approvals, or land division/subdivision approvals. In addition, violation of this Ordinance shall subject the violator to the fines and enforcement actions set forth in Section IX of this Ordinance, and as may otherwise be provided by law.

SECTION VIII  
EXISTING PRIVATE ROADS

Private roads that were created prior to the adoption of this Ordinance shall be subject to all the conditions specified in this Ordinance for any extension to the existing private road.

Any parcel accessed by an extension of an existing private road created in noncompliance with this Ordinance shall not be eligible for any building permits, zoning compliance permits, site plan approvals, special use approvals, or land division/subdivision approvals.

SECTION IX  
FINES AND ENFORCEMENT

Any person or legal entity which violates any of the provisions of this Ordinance shall be deemed responsible for a civil infraction and shall be subject to a fine of not more than \$500.

SECTION X  
SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable, and if any clause, sentence, word, section, or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, then it shall not affect any portion of this Ordinance other than said part or portion thereof.

SECTION XI  
REPEAL

All previous ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed, except that this Private Road Ordinance shall not be construed to repeal any provisions in the Mathias Township Zoning Ordinance.

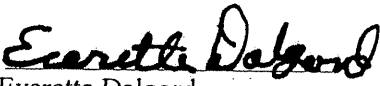
SECTION XII  
EFFECTIVE DATE


This Ordinance shall become effective 30 days following its publication after adoption.

Date Adopted: 8-12-10

Effective Date:

Date Published:

  
Everette Dalgord  
Mathias Township Supervisor

  
Amy Richmond  
Mathias Township Clerk  
Mathias Township Community Center  
State Highway M-67, Trenary, Michigan 49891