

MULTIPLE RESIDENCE DRIVEWAYS
AND
RESIDENTIAL PRIVATE ROADS
GENERAL LAW ORDINANCE

Ord. No. 53
Adopted: October 14, 2003

THE TOWNSHIP OF MANCHESTER HEREBY ORDAINS:

An Ordinance under the provisions of Public Act 246 of 1945, MCLA 41.181 et seq., to regulate the construction, maintenance and use of private roads and multiple residence driveways (MRD) within Manchester Township, the use thereof by traffic, the parking of vehicles thereon, the administration and enforcement thereof, fees to defray the administrative and enforcement costs incident thereto, and to insure that residences and buildings within the Township of Manchester may be accessible to police and fire protection, and for other purposes, as follows:

Section 1. Private Road Regulations.

A. Intent.

The Manchester Township Board hereby finds that unobstructed, safe, and continuous access to lots is necessary to promote and protect the health, safety, and welfare of the public through police and fire protection, and ambulance service. Such access is necessary to insure that such services can safely and quickly enter and exit private property at all times. Roadway access within Manchester 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, when public dedication is desirable or required, and to minimize the number of road cuts and help maintain rural character. 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.

B. Definitions and Use Criteria.

1. **Private Driveways** - A private driveway may serve no more than one (1) parcel and shall not be considered a Multiple Residence Driveway or Residential Private Road. If at any time, two (2) or more parcels are to have access using the existing private driveway, it shall be brought into compliance with standards contained in this Ordinance.
2. **Multiple Residence Driveways (MRD)** - A Multiple Residence Driveway, herein defined, may be used for purposes of access to parcels created for single-family dwellings based upon the following conditions:

- a) Such multiple residential driveways shall not be named and shall not serve more than four (4) residential parcels.
 - b) Any parcel having access onto the MRD shall meet all regulations and standards regarding yard and setback requirements according to the zoning district in which it is located.
 - c) All parcels receiving access from a MRD shall have their individual addresses posted on each property and also posted together at the entrance of the MRD where it intersects with the public or private roadway.
 - d) Such MRD shall have a recorded easement of at least sixty-six (66) feet. A complete statement shall be submitted of all the terms and conditions of the proposed rights-of-way including copies of all agreements or intended agreements regarding the maintenance and improvements of the rights-of-way and roadway.
3. **Residential Private Roads** – Residential private roads are all roads built in the Township that are not MRD's or public roads and that meets one (1) or more of the following criteria:
- a) Serves more than four (4) single-family residential lots.
 - b) Has a length of more than twelve hundred (1,200) feet, measured on the roadway centerline of the public road to the centerline of the other intersection road, or the center of the turnaround.

C. General Access and Permit Requirements.

1. Every lot, unit or parcel in Manchester Township that is improved with a building shall:
 - a) Abut public road, a residential private road, or multiple residence driveway (MRD) which meets the requirements of this Ordinance.
 - b) Have access for ingress and egress for all vehicular traffic including fire, police, and ambulance services and vehicles by means of such public road, residential private road, or multiple residence driveway.
2. Lots or units not served by a public road shall not be improved with a building subsequent to the date of adoption of this Ordinance, unless a residential private road permit or multiple residence driveway permit in accordance with this Ordinance has been issued.
3. No person shall construct, alter, or extend a residential private road or multiple residence driveway without compliance with this Ordinance and obtaining a permit as hereinafter provided.

4. All lots or units 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 within this Ordinance.

D. Specifications for Multiple Residence Driveway (MRD) and Residential Private Roads.

All multiple residential driveways and residential private roads shall meet the following minimum requirements and specifications:

1. A pre-application meeting with the Zoning Administrator is required.
2. A complete legal description including related utility and drainage easements of the land on which the road is to be built and the names and addresses of the owners is required.
3. A drawing on an aerial map showing the proposed road is required. Proposed improvements (including but not limited to roads, storm sewers and ditches) shown in plan and profile form indicating all materials, grades, dimensions and bearings in compliance with the standards set forth in this Ordinance.
4. The roadway surface and turnaround area is required to be centered in the right-of-way.
5. The connection between the right-of-way and the public road shall conform to the standards and specifications of the Washtenaw County Road Commission. The applicant shall obtain a road permit issued by the Washtenaw County Road Commission prior to approval of any rights-of-way by the Township Board.
6. The rights-of-way and roadway shall be adequately drained so as to prevent flooding or erosion of the roadway. Ditches shall be located within the rights-of-way. Roadway drainage shall be constructed so that the runoff water shall be conveyed to existing water courses or water bodies. The discharged water shall not be cast upon the land of another property owner unless the water is following an established water course. Connection to County drains shall be approved by the Washtenaw County Drain Commissioner prior to the issuance of a permit. Connection to roadside ditches within public road rights-of-way shall be approved by the Washtenaw County Road Commission prior to the issuance of a permit.
7. The rights-of-way shall provide for ingress, egress, drainage, and installation and maintenance of public and private utilities.
8. Any extension of a private road or MRD shall meet ordinance standards and shall require Township approval.

9. Private roads and MRD's shall be designated with the word "private". Private roads shall be named by the applicant subject to review and approval by the Washtenaw County Road Commission. Private road names shall not conflict with any public road names. The applicant shall be responsible for the erection and maintenance of all street signs and traffic signs required by the Township, the County and the State.
10. All areas disturbed by construction must be top soiled, seeded and mulched. Steep ditch slopes may require sod, riprap, or other stabilizers to minimize soil erosion. Temporary erosion control measures must be utilized.
11. A fee shall be paid as established by the Township Board to defray the costs of inspection, plan review, administration, and enforcement of this Ordinance.
12. The application shall be signed by the applicant or agent thereof. If signed by an agent 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 rights-of-way or the abutting lots and shall be made under penalties of perjury.

Residential Private Roads and Multiple Residence Driveway's shall also meet their respective minimum requirements and specifications as set forth in Table 1, herein.

TABLE 1

**MINIMUM REQUIREMENTS AND SPECIFICATIONS
FOR PRIVATE RESIDENTIAL ROADS AND MULTIPLE RESIDENCE DRIVEWAYS**

	<u>Private Residential Roads</u>	<u>Multiple Residence Driveways</u>
Width of rights-of-way	Sixty-six (66) feet	Sixty-six (66) feet
Road Length	Not Applicable	Not to exceed 1,200 feet
Road Width	Eighteen (18) foot driving surface With adequate drainage six (6) foot shoulders	Fifteen (15) foot driving surface With adequate drainage
Road Identification	Road Name and stop sign at entrance	Stop sign but road name prohibited
Sub-base	Remove all organic or unstable material and replace with a minimum six (6) inches of compacted sand	Remove all organic or unstable material and replace with a minimum six (6) inches of compacted sand
Driving Surface	Six (6) inches of crushed limestone, or processed road gravel	Six (6) inches of crushed limestone, or processed road gravel

For paved surface	Optional and at builders discretion. Twenty (20) foot with gravel shoulders	Optional and at builders discretion Fifteen (15) foot
Turnaround Area/Cul-de-Sac	Seventy-five (75) foot radius right-of-way with fifty (50) foot radius roadway surface	Seventy-five (75) foot radius right-of-way with fifty (50) foot radius roadway surface
Ditches	Ditches shall be of width, depth, and grades to provide for adequate and positive drainage	Ditches shall be of width, depth, and grades to provide for adequate and positive drainage
Maintenance Agreement	Required	Required
Engineering Certification	Required	Not Required

E. Permit Approval Procedure.

1. Prior to submitting an application, any potential applicant shall review zoning and other applicable regulations with the Zoning Administrator to ensure completeness of an application.
2. Upon receipt of an application and payment of applicable fees, the Township Clerk shall forward the application to the Zoning Administrator who shall review the application for compliance to regulations contained within this Ordinance. The Township Clerk shall also forward the application to the Township Fire Marshall and Land Division Officer for applicable review.
3. For private roads, the Township Zoning Administrator shall require a written report and a stamped and dated letter from a State of Michigan Certified Civil Engineer indicating that the private road has been built and conforms to the standards set forth in this Ordinance.
4. The Township Zoning Administrator shall consider the application and all relevant information including Fire Marshall approval and Land Division Officer approval and, if the application is complete, shall grant the permit.
5. Upon completion of road construction and inspections, the Zoning Administrator and Fire Marshall shall make recommendation to the Township Board for final approval

F. Expiration of Approval of Permits.

A permit shall be valid for a period of one year from the date of issuance. The Township Board may extend the permit for up to six (6) months. If the required improvements have not been completed upon the expiration of the permit, then the permit shall be void and all deposits shall be forfeited to Manchester Township.

G. Recording of Rights-of-Way.

The rights-of-way, including all agreements shall be recorded in the office of the Register of Deeds for Washtenaw County prior to the issuance of any zoning permit. Proof of recording shall be provided to the Township Clerk before final approval is granted.

H. Zoning Permits.

No zoning permit will be issued for any lot accessed by a residential private road or MRD subject to the provisions of this Ordinance until the Township Board has issued a final approval of the road.

I. Maintenance Agreement.

A maintenance agreement received by the Township Attorney and approved by the Township Board shall be filed with the Township Clerk and recorded with the Washtenaw County Register of Deeds for any maintenance for the residential private road or MRD. All parcels accessing the residential private road or the MRD shall be part of the agreement. Proof of recording shall be provided to the Township Clerk before final approval is granted. The agreement will specifically address the liability and responsibility of the parties to the agreement to maintain the private road or MRD pursuant to the specifications provided for in this and other applicable Ordinances, including but not limited to the responsibility of removing snow from said private road or MRD and maintaining clear road width for ingress and egress of emergency vehicles.

J. Variances.

When there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Ordinance, such as topographical, other physical characteristics of a parcel, or when a variation of construction standards is requested, 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. The Township Board may request inspection, review, and recommendation by the Township Engineer. Cost of such inspections, review, and recommendation from Township Engineer shall be the responsibility of the applicant.

K. Violations.

Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor and shall be subject to a fine not exceeding FIVE HUNDRED (\$500.00) DOLLARS and/or by imprisonment not to exceed ninety (90) days. Any access which is used in violation of the terms of this Ordinance shall be and the same is hereby declared to be a nuisance per se, and such use may be abated, restrained, enjoined, and prohibited, upon the commencement of an appropriate action in the Circuit Court.

Road Maintenance Agreement Example
(NOT PART OF ORDINANCE)

This agreement made this _____ day of _____ of the year 20 _____, between _____, and the owners of the following parcels:

EXHIBITS

Parcel #1: Legal Description for Tax # _____
Name(s): _____
Address: _____

(Legal Description)

Parcel #2: Legal Description for Tax # _____
Name(s): _____
Address: _____

(Legal Description)

Maintenance Responsibility: Maintenance of all private roads shown on the survey map shall be the responsibility of the owners of the lots thereon. The association when formed shall direct the maintenance of roadways and expend such funds as may be necessary to meet the maintenance standards as described below. Prior to the formation of the lot owners association each lot shall have an equal responsibility in the maintenance of said roads.

Maintenance Standards: Maintenance of the roads shall include but not be limited to the filling of pot holes, snow removal, re-grading of roadways, ditching, and the placement of gravel or asphalt as necessary to enable the lot owners to use the roads and ingress and egress to the lots for emergency vehicles.

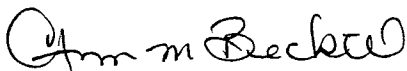
Maintenance Fee: Each lot owner shall be liable for an equal prorated portion of the costs necessary to maintain the roadways. Said maintenance fee shall be established by the association, or if said association has not been formed, said fee shall be established as the equal prorated portion of actual costs of maintenance work performed.

Liability: The applicant for a private road or MRD approval, all owners of the private road or MRD and lots or units thereon, all those who utilize the private road or MRD, and all persons securing a building permit to construct a building served by the private road or MRD all agree that, by applying for and securing a permit for a building that utilizes the private road or MRD and by utilizing the private road or MRD, they shall indemnify and will save and hold the Township (as well as its officers, agents, and employees) harmless for, from, and against any and all claims, causes of action, costs, and damages for personal injury and/or property damage arising out of the use of the private road or MRD or the failure to properly construct, maintain, repair, and/or install the private road or MRD or any appurtenances thereto. This shall run with the land and shall bind all purchasers of properties benefited by the private road or MRD.

Termination: The lot owners' responsibility and liability for road maintenance shall cease for those roads or portions thereof which are dedicated or conveyed for public use and have been accepted by Washtenaw County for said purpose.

I, Ann M. Becketl, Clerk of Manchester Township, Washtenaw County, Michigan, hereby certify as follows:

1. The preceding ordinance was adopted by the Manchester Township Board of Trustees at their regular meeting held October 14, 2003, and that members Macomber, Huber, Widmayer, Becketl and Mann voted in favor of adoption, none voted against.
2. A summary of the ordinance was published in the *Manchester Enterprise* on October 23, 2003.
3. The effective date of the ordinance is November 23, 2003.



Ann M. Becketl, Clerk