

ORDINANCE NO. 2019 - 2

RESTATED PRIVATE ROADS AND SHARED DRIVES ORDINANCE

An Ordinance to restate the current Private Roads and Shared Drives Ordinance, Ordinance No. 2005-1, and to regulate private roads and shared drives, in the Township of Ionia, Ionia County, Michigan, and to provide penalties for the violation of the Ordinance.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF IONIA, COUNTY OF IONIA AND STATE OF MICHIGAN ORDAINS:

Section 1. Purpose.

The purpose of this Restated Private Roads and Shared Drives Ordinance (the "Ordinance") is to promote public health, safety, and welfare by seeking to generate safe and adequate access to all Lots in the Township, particularly for emergency vehicles responding to an emergency situation in the Township.

Section 2. Definitions.

- (a) "Effective Date" means the effective date of this Ordinance.
- (b) "Fire Official" means the highest ranking officer of the fire department providing fire protection to the area of the Township in question, or the designee of that highest ranking officer.
- (c) "Lot" means a piece or parcel of land, including a condominium unit, which is occupied or intended to be occupied by a building or a group of buildings in the Township.
- (d) "Maintained" means that Private Roads and shared drives shall have snow removed, and shall have trees and brush satisfactorily trimmed and removed as necessary to allow emergency vehicle access; "Maintained" shall further mean that the driving surfaces of Private Roads and of shared drives shall be sufficiently hard and sufficiently level to allow emergency vehicle access.
- (e) "Person" means an agency, company, organization, firm, association, partnership, joint venture, corporation, trust, or an equivalent entity or any combination of these listed entities, as well as a natural person.
- (f) "Private Road" means a right-of-way which affords traffic circulation, which Serves abutting land consisting of at least three Lots, and which is not generally open to the public but instead is privately owned for the use of those Persons whose land is served.

(g) “Public Road” means a publicly owned and maintained right-of-way which affords traffic circulation and access to abutting land, including any avenue, place, way, drive, boulevard, highway, road, or other thoroughfare.

(h) “Serve” or “Served” means that a Private Road crosses or is adjacent to and abutting the Lot and therefore is able to access the Lot, whether or not the Lot is actually or potentially accessed by any other Private Road, or by any Public Road.

Section 3. Existing Private Roads.

Any Private Road in existence at the Effective Date may remain in existence. Any Private Road in existence at the Effective Date may not be extended to serve more Lots than the Private Road served at the Effective Date, except in compliance with this Ordinance. The construction of a building on a Lot already served by a Private Road as of the Effective Date shall not be construed to be the expansion of a Private Road.

Section 4. Public Road Frontage.

Except as specifically provided to the contrary in this Ordinance, every Lot in the Township must have frontage upon and be directly accessed by a Public Road.

Section 5. Shared Drives.

Two Lots in the Township may share one drive, even if one of the Lots does not have Public Road frontage. Both Lots shall have addresses based upon and reflecting the same Public Road. Both Lots shall have markers adjacent to the Public Road, indicating the two street numbers of the two Lots accessed by the shared drive.

Section 6. Required Maintenance.

Existing Private Roads and shared drives shall be Maintained sufficiently to allow emergency vehicle access. Whether a Private Road or a shared drive is properly Maintained or not shall be determined by the Fire Official. Each Private Road and shared drive shall be subject to a maintenance agreement, signed by the owners of all Lots served by the Private Road or shared drive; the maintenance agreement shall describe how the costs of maintaining the Private Road or the shared drive in accordance with this Ordinance shall be distributed among the owners of the Lots served by the Private Road or the shared drive and how the Township will have the option to maintain the Private Road or the shared drive at the expense of the owners of the Lots served thereby; the maintenance agreement shall be recorded with the Ionia County Register of Deeds.

Section 7. New Private Roads.

Any new Private Road constructed after the Effective Date shall comply with the requirements of this Ordinance, particularly including specifically the requirements of this Section.

(a) The Private Road shall be constructed in a good and workmanlike manner upon and parallel to the center line of an easement which is established by a duly recorded conveyance and which is not less than 66 feet in width for its entire length.

(b) The Private Road shall be constructed so as to sufficiently control storm water runoff and permit effective storm water drainage, such as by means of ditches constructed parallel to and on either side of the Private Road, by sloping the sides of the Private Road from its center, or by other effective methods.

(c) The Private Road shall be constructed over adequate culverts where necessary and as may be required by the Ionia County Road Commission (or as would be required by the Ionia County Road Commission if the Private Road was a Public Road).

(d) The Private Road shall have a sand and gravel base of not less than 12 inches in depth of which not less than six inches in depth shall be only gravel.

(e) The Private Road shall have a road bed not less than 20 feet wide for its entire length.

(f) The Private Road shall be covered with bituminous blacktop paving material not less than three inches in depth at any point and not less than 20 feet in width for its entire length.

(g) A minimum of 30 feet in width and 18 feet in height shall be passable for vehicular ingress and egress for the entire length of the Private Road, cleared of trees, limbs, branches, stumps, shrubs, debris, or any other material which would impede vehicular ingress and egress.

(h) Each Lot Served by a Private Road shall have at least two acres in area. Only one single family dwelling is allowed on a Lot served by a Private Road, together with appropriate accessory buildings but not including any other dwelling units. Not more than 20 Lots may be served by a Private Road that does not have access to a Public Road at both ends, but instead requires a cul-de-sac per subsection (k) below.

(i) Each Private Road shall be furnished with a street name sign and a stop sign, in accordance with Ionia County Road Commission requirements.

(j) Each Private Road must obtain a permit from the Ionia County Road Commission for private roads, which may require upgrades to the Public Road accessing the Private Road based on the amount of traffic and the general conditions of that Public Road.

(k) If a Private Road does not have access to a Public Road at both ends, but instead requires a turn-around, a cul-de-sac shall be constructed that complies with the cul-de-sac requirements of the Ionia County Road Commission for a Public Road.

(l) The Lot fronting on the Public Road, from which the Private Road is constructed, must have at least 250 feet of frontage on the Public Road. No portion of the Private Road shall be closer than 50 feet to the property line of any Lot adjacent to the Lot fronting on the Public Road.

Section 8. Enforcement and Appeal.

If the Fire Official determines that a Private Road or a shared drive is not properly Maintained, the Fire Official shall give notice of the deficiency to the record owners of the Lots Served by the Private Road or shared drive. The Fire Official shall further designate a deadline for the deficiency to be eliminated. If the deficiency is not eliminated by that deadline, all of the record owners of the Lots served by the deficient Private Road or shared drive shall be considered to be in violation of this Ordinance.

However, any of the record owners of the Lots Served by the Private Road or shared drive deemed deficient may appeal the Fire Official's determination to the Township Board. An appeal to the Township Board will stay the enforcement of the Fire Official's determination, except in the case of an imminent risk to the health of persons served by or who use the Private Road or shared drive. The decision of the Township Board should be final, absent an appeal to a court with jurisdiction.

Section 9. Violation.

A Person who violates any provision of this Ordinance is guilty of a civil infraction. Each day of violation shall constitute a separate offense.

(a) Any Person responsible for a civil infraction under the provisions of this Ordinance shall be punishable upon a first conviction by a fine not more than \$100.00, and punishable for a second infraction within a period of one year by a fine of not more than \$200.00, and punishable for a third or any subsequent infraction within a one year period by a fine of not more than \$500.00.

(b) Each Person shall be responsible for a separate offense for each and every day during which any violation of any provision of this Ordinance is committed, continued, or permitted by such Person and shall be punishable accordingly.

(c) The Township Supervisor is authorized to designate particular officers or employees of the Township who shall be authorized to enforce the provisions of this Ordinance.

Section 10. Severability.

This Ordinance and its various parts, sections, subsections, sentences, phrases, and clauses are severable. If any part, section, subsection, sentence, phrase, or clause is adjudged unconstitutional or invalid, the remainder of this Ordinance shall not be affected.

Section 11. Administrative Liability.


No officer, agent, or employee of the Township, or member of the Township Board, shall be personally liable for any damage that may accrue to any Person as a result of any act, decision, or other consequence or occurrence arising out of the discharge of duties and responsibilities pursuant to this Ordinance.

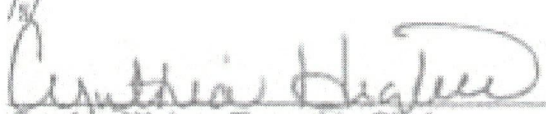
Section 12. Repeal.

All ordinances or their parts which are in conflict in whole or in part with any of the provisions of this Ordinance as of the Effective Date of this Ordinance are repealed to the extent of such conflict, except that terms defined in this Ordinance for purposes of interpretation, administration, and enforcement of this Ordinance only will in no manner repeal, modify, or otherwise change the definition of any such terms as used in other Township ordinances.

Section 13. Effective Date.

This Ordinance was approved and adopted by the Township Board of Ionia Township, Ionia County, Michigan, at a regular meeting held on April 16, 2019, and it is ordered to take effect 30 days after publication of the Ordinance or a summary in the Ionia Sentinel-Standard, a newspaper with general circulation in the Township.

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Larry Listerman, Township Supervisor

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Cynthia Higbee, Township Clerk