

Chapter 17

PRIVATE DRIVEWAYS AND PRIVATE ROADS

SECTION 17.1 PURPOSE

The purpose of this Chapter is to provide minimum standards and specifications for private driveways and private roads constructed in Eureka Charter Township. It is recognized that such standards are necessary because of the need for road services adequate to provide year-round access by residents as well as access by fire, police and other emergency services. It is further recognized that if roads are not constructed and maintained in accordance with certain minimum standards, such roads may pose a threat to the health, safety and welfare of the residents located along the roadway and others who use the road.

SECTION 17.2 DEFINITIONS

- A. **Private Driveway:** A privately-owned and maintained property which is used for vehicular ingress and egress serving only one parcel or use.
- B. **Private Road:** A privately-owned and maintained road constructed on a privately-owned easement serving two or more parcels of land or residential building sites.
- C. **Public Road:** A road under the jurisdiction of the Montcalm County Road Commission or the Michigan Department of Transportation.
- D. **Road:** A thoroughfare which affords vehicular traffic circulation and the principal means of access to abutting properties, including an avenue, place, way, drive, lane, boulevard, highway, street and other thoroughfare, except an alley or private driveway.
- E. **Proprietors:** Those constructing or desiring to construct a private road and all those property owners whose property is being serviced, or intending to be serviced, by a private road.
- F. **Building Official:** The government official designed by Eureka Charter Township to administer the provisions of the adopted building, fire and private road permits. The Building Official shall be responsible for coordination with the Drain Commissioner, the Road Commission and the Department of Environmental Quality (DEQ) to review and ensure compliance with all departments prior to issuing a Private Drive or Private Road Permit.

SECTION 17.3 PRE-EXISTING/NON-CONFORMING DRIVEWAYS AND ROADS

Non-conforming private driveways or private roads in existence prior to the enactment of this Chapter may continue without conforming to the requirements of this Ordinance, provided, however, that if such private road or access easement is to be expanded, constructed or altered, including but not limited to the servicing of additional dwellings or commercial, industrial or other units, the driveway or road must then conform to the requirements of this Ordinance without regard to its pre-existing status.

SECTION 17.4 GENERAL REQUIREMENTS

- A. This Section shall apply to all land which is divided into parcels or lots.
- B. No private driveway or private road shall be constructed within the Township unless it is in compliance with the requirements of this Ordinance.
- C. No Certificate of Occupancy for any structure shall be issued within the Township unless the parcel or lot fronts on a private road or driveway, improved to the standards of this Ordinance, or on a public road. Each lot or parcel shall have road frontage equal to the minimum lot width required by the applicable provisions of this Ordinance or shall be served by an approved driveway.
- D. Private driveways and private roads shall not be dedicated to the Township.
- E. Private driveways and roads shall not be maintained by the Township except pursuant to a duly-established Special Assessment District.
- F. Prior to construction of any private road or driveway serving commercial, industrial or agricultural facilities, plans shall be reviewed and approved by the Township Planning Commission and the Montcalm County Road Commission.
- G. A private driveway shall serve only one premises.
- H. The Township shall establish fees to cover the cost of review and inspections.
- I. A maximum of one driveway opening shall be permitted per each single family or two-family residential lot for each 150 feet of street frontage, to be placed in the most visible, safe location available.
- J. For off-street parking requirements, refer to Chapter 12 of this Ordinance.

SECTION 17.5 MINIMUM STANDARDS FOR DRIVEWAYS

Private driveways shall comply with all regulations required by the Montcalm County Drain Commission, DEQ and other any other State or local requirements and shall meet the following minimum standards:

- A. All trees and brush shall be cleared for a minimum width of 14 feet for the full length of the driveway.
- B. All topsoil, stumps and unstable soil shall be removed and back-filled with engineered sand fill and compacted. The driveway shall be surfaced and maintained with gravel, crushed limestone, finely-crushed concrete or similar material for a minimum width of 10 feet and a minimum depth of four inches for the full length of the driveway. At the garage entrance, an apron at least four feet in length shall be constructed of concrete, at least four inches deep, or asphalt, at least three inches deep, and at least as wide as the garage door(s).
- C. The surface of the driveway shall be properly drained so that water damage and frost heave will not impede access by emergency vehicles.
- D. The driveway shall provide a minimum centerline radius of 40 feet for all curves to ensure access by fire-fighting equipment. In addition, the driveway shall provide minimum clearance from trees and brush of 18 feet in all curved sections.
- E. No bridges shall be permitted as part of driveway construction unless they are certified by a registered engineer as capable of supporting a 30-ton fire truck.
- F. Any structures that span a driveway shall maintain not less than 14 feet vertical and horizontal clearance.
- G. A culvert, 12-inch minimum diameter and 24 feet in length, shall be provided where a driveway crosses the ditch centerline. A minimum of 18 feet shall be covered with gravel or similar material with an equal amount of uncovered culvert on each side.

SECTION 17.6 MINIMUM STANDARDS FOR PRIVATE ROADS

All private roads shall be constructed in accordance with the Montcalm County Road Commission Standards, Guidelines and Policies for Private Roads and shall comply with all requirements of the Montcalm County Drain Commissioner, the DEQ, any other State or local requirements and shall meet the following minimum standards.

Note: Private roads will not require paving unless a new subdivision or land division of four or more parcels is approved. However, all private roads shall meet all other requirements as identified in the Montcalm County Road Commission Standards, Guidelines and Policies for Private Roads.

- A. Plans for a private road shall be submitted to the Eureka Charter Township Planning Commission for review and approval. Materials to be submitted shall include at a minimum:
1. All permit applications and applicable fees.
 2. A legal description and survey of all properties to be served by the private road, together with a letter from the Township Supervisor or Township Zoning Administrator stating that all proposed parcels are in compliance with the Township Zoning Ordinance.
 3. A legal description and survey of the proposed private road easement including the location of all public utilities, including, but not limited to, water, sewer, telephone, gas, electricity and television cable to be located within the private road easement or within 20 feet either side thereof. Copies of the documents describing and granting such easements shall be submitted with the application.
 4. A drawing showing the existing and proposed structures, roads, drives, drains and other significant physical features on the property.
 5. Engineering plans for the proposed road in compliance with the Montcalm County Road Commission Standards, Guidelines and Policies for Private Roads.
 6. Construction plans including a drawing of typical cross-sections and drainage layout.
 7. A proposed maintenance agreement that provides detailed construction, maintenance, plowing and repair items, that establishes proportionate cost-sharing, designates responsibilities of current and future owners of benefit properties, including authority to apportion, collect and secure said construction, maintenance and repairs. A letter from the Township attorney may accompany this document indicating that the agreement complies with this Ordinance. The agreement shall be recorded with the Montcalm County Register of Deeds and also provided to the purchaser. A citation shall be issued for non-compliance with this requirement.
- B. Proposed construction specifications shall be submitted to the Township Building Official for review and approval prior to the issuance of a construction permit.
- C. If required, submission of an Application for Land Division or Lot Line Adjustment shall be completed and approved by the Township Board and recorded in the office of the Montcalm County Register of Deeds prior to issuance of the Private Road Permit.
- D. All private roads shall be designated by name, subject to approval of the Township Planning Commission and the Montcalm County Road Commission and consistent with the standards of the Montcalm County Addressing Ordinance. Street signs shall be installed in accordance with the standards and approval of the Montcalm County Addressing Ordinance. Signs marked "Private Road" shall be erected and maintained by the proprietor at the entrance to all private roads of the development. The proprietor shall furnish and erect street

name and stop signs at all intersections with both public and private roads. The design of all signs shall be the same as those used by the Montcalm County Road Commission for similar purposes.

- E. The proprietor's engineer, or the Montcalm County Road Commission's field engineer, shall certify that they have personally supervised and inspected all construction, that drainage facilities have been installed, that all roads have been built in accordance with approved plans and specifications and that roads meet the standards of the Montcalm County Road Commission.

SECTION 17.7 VIOLATIONS

The owner and the occupant of any property upon which any violations set forth in this Ordinance are found to exist shall be notified in writing to remove, eliminate or repair such violations within 14 days after service of the notice. Such notice may be personally delivered or sent by Certified Mail, return receipt requested.

SECTION 17.8 FAILURE TO COMPLY

Any person who shall violate the provisions of this Ordinance will be guilty of a civil infraction and shall be punished by a fine not to exceed \$500.00 and appropriate costs. Each day that the person is in continuous violation of said Ordinance is a separate and continuous civil infraction subject to an additional fine not to exceed \$500.00 and appropriate costs per day.

SECTION 17.9 GRANTING ADDITIONAL TIME FOR COMPLIANCE

Additional time, not to exceed 30 days, may be granted at the discretion of the Building Official where there are bona fide efforts to conform or to repair any violations.

SECTION 17.10 PERFORMANCE BOND FOR PRIVATE ROADS

A performance bond equal to the value of the road construction shall be obtained per Chapter 18, Section 3.2 of this Ordinance. When the work is completed by the applicant and approved by the Township, the bond will be released to the applicant. When a permit is issued, the proprietor shall have 12 months to complete the permitted work. If the work is not completed within 12 months and the proprietors have not requested additional time, the performance bond will be used to complete the work if sufficient funds are available.

SECTION 17.11 SEVERABILITY CLAUSE

This Ordinance and each section, sub-section, sentence and provision thereof are hereby declared to be severable. If any part is adjudged by a court of competent jurisdiction to be invalid for any reason, it is hereby provided that the remainder of the Ordinance shall not be affected thereby.