

**DRAFT**  
**AUGUSTA CHARTER TOWNSHIP**  
**PRIVATE ROAD ORDINANCE**

**Section 1 INTENT**

The Charter Township of Augusta hereby finds that unobstructed, safe, and continuous access to lots is necessary to promote the health, safety, and welfare of the public through police and fire protection and ambulance service. The Charter Township of Augusta further finds that such access is necessary to ensure that such services can safely and quickly enter and exit private property at all times. The Township further finds that access to the interior of certain sections within the 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. 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 article.

**Section 2 DEFINITIONS**

**Building** - An enclosed structure used or intended for use for the housing, enclosure or shelter or people, animals, or chattels.

**Class A Road** - A private access road serving five (5) or more lots or meeting the criteria as specified in Section 6 of this Ordinance.

**Class B Road** - A private access road serving three (3) to four (4) lots and which meets the criteria as specified in Section 6 of this Ordinance.

**Class C Road** - A private access road serving two (2) lots and which meets the criteria as specified in Section 6 of this Ordinance.

**County Road Commission** - The Road Commission of Washtenaw County, Michigan.

**Driveway** - An access road serving not more than one (1) lot.

**Lot** - A parcel of land; real estate.

**Permit** - A private road permit issued pursuant to this ordinance.

**Private Road** - A route which provides vehicular access to a lot or lots and which has not been dedicated to public use.

**Township Board** - The Board of Augusta Charter Township.

**Township Clerk** - The Clerk of Augusta Charter Township.

**Township Engineer** - An engineer appointed by the Township Board to the position of Township Engineer, or any other person authorized by the Township Board to perform the duties of Township Engineer as set forth in this ordinance.

**Township Planning Commission** - The Planning Commission of Augusta Charter Township.

### **Section 3 GENERAL ACCESS AND PERMIT REQUIREMENTS**

- a) Every lot in Township that is improved with a building shall:
  - 1) Either abut a road dedicated to the public or a private road which meets the requirements of this Article; and
  - 2) Have access for ingress and egress for all vehicular traffic including fire, police, and ambulance services and vehicles by means of such public or private road.
- b) No lot fronting on a private road shall be improved with a building subsequent to the date of adoption of this Article, unless a permit in accordance with this Article has been issued.
- c) No person shall construct, alter, or extend a private road without compliance with this Article and obtaining a permit as hereinafter provided.
- d) All lots which have been improved with a building prior to the date of adoption of this article shall comply with the provisions of this article, 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 in Section 1, herein.
- e) No private road application shall be approved if it thereby creates or increases a non-conformity on any other lot.

### **Section 4 APPLICATIONS FOR PERMIT: REQUIREMENTS**

Applications for permits shall be delivered to the Township Clerk and shall consist of the following information:

- a) For a Class A or B Road as described in Section 6 herein, the application shall contain the following information:

- 1) A legal description of each lot to be served by the right-of-way, a legal description of the right-of-way, the names and addresses of all persons or parties owning an interest in the title to the lots and right-of-way area.
- 2) A survey drawing showing the outline of the proposed right-of-way and the dimensions and bearings thereof; existing topographic contours, at two-foot intervals, of the right-of-way area and all adjacent land within ten (10) feet thereof, or within such greater area as may be necessary to determine whether drainage methods will be adequate; soil characteristics and wet areas; trees; streams and all bodies of water within ten (10) feet from the right-of-way area, or within such greater area as may be necessary to determine whether drainage methods will be adequate; existing buildings within twenty (20) feet of the proposed right-of-way; the proposed right-of-way in relation to the nearest property lines; and the location of all proposed improvements in the right-of-way area. The survey drawing shall be prepared by a registered land surveyor or civil engineer, registered in the State of Michigan, and shall bear the seal of the same.
- 3) Plan and profile drawings and cross sections of the proposed improvements showing clearly all materials, grades, and dimensions, prepared by a civil engineer registered in the State of Michigan, and bearing the seal of the same.
- 4) A complete statement of all the terms and conditions of the proposed right-of-way, including copies of all agreements or intended agreements regarding the maintenance and improvements of the right-of-way and roadway. Furthermore, said maintenance agreements shall be in such form as to be recordable with the Washtenaw County Register of Deeds and shall specifically address the liability and responsibility of the parties to said agreement to maintain the private road pursuant to the specifications of this article, including, but not limited to, the responsibility of removing snow from said private roads.
- 5) A fee as established by resolution of the Township Board to defray the costs of inspection, plan review, administration, and enforcement of this article.
- 6) The application shall be signed by the applicant or agent thereof, in which case, 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 right-of-way or the abutting lots and shall be made under penalties of perjury.

- b) For a Class C Road as described in Section 6 herein, the application shall contain the following information:
- 1) A sketch plan shall be submitted which shows accurately the location of buildings and existing features in sufficient detail to depict drainage patterns.
  - 2) The sketch plan shall show the relationship of the proposed road to an existing public roadway right-of-way which will serve as access for the private road.
  - 3) The sketch plan shall contain a location map showing the nearest public cross roads and orientation of the subject properties by north arrow. The boundaries and dimensions of the subject properties and road easement shall be shown on the plan.
  - 4) The road shall be centered within the easement.
  - 5) The sketch plan shall show the location of the proposed road and turn around within the easement together with proposed drainage and grading.
  - 6) The proposed roadway materials, thickness, and width shall be shown on the sketch plan.
  - 7) The ownership of each parcel shall be shown.
  - 8) A written agreement between the property owners served by the private road shall be provided, insuring the adequate maintenance of the road, including snow removal.
  - 9) A copy of the recorded right-of-way shall be submitted.
  - 10) The application shall be signed by the applicant or agent thereof, in which case, 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 right-of-way or the abutting lots and shall be made under penalties of perjury.

## **Section 5 PERMIT APPROVAL PROCEDURE**

- a) Upon receipt of an application, the Township Clerk shall submit the application to the Township Planning Commission at its next regular meeting. The Township Planning Commission shall refer Class A and Class B road application materials to the Township Engineer for review and comment. Class C road applications shall be referred to the

Township Engineer after determination by the Planning Commission that the proposed Class C road contains topographic, drainage, traffic or other engineering concerns which warrants review by the Township Engineer.

- b) The Township Engineer shall report in writing to the Planning Commission as to whether or not the proposed right-of-way and roadway conform to the standards and specifications of this Article. Said report may include any suggested conditions to be attached to the permit which, in the Township Engineer's judgment, are necessary to achieve the intent of this Article.
- c) The Township Planning Commission shall consider the application, the Township Engineer's report, and all other relevant information in determining whether to grant the permit application. If the information, submitted by the applicant does not establish that the proposed right-of-way and roadway will conform to the standards and specifications of this article, the Township Planning Commission shall not recommend, to the Township Board, the granting of the permit. The Township Planning Commission shall recommend the imposition of such conditions on the approval of the permit as it deems necessary to achieve the intent and objectives of this Article, which may include, but not limited to, conditions suggested by the Township Engineer. The breach of any such condition on the approved permit shall automatically invalidate the permit. Upon completion of plan review, the application and recommendation by the Planning Commission shall be made to the Township Board. The Township Board shall then consider the application, the recommendation of the Planning Commission, and any other relevant information, and either grant or deny the permit.
- d) As a condition to the granting of any permit under this Article, the Township Board shall require that the applicant deposit with the Township Treasurer a sum of money, bank letter of credit, or certified check in an amount sufficient to guarantee that the applicant shall perform the terms and conditions of the permit, including the payment of required fees. Upon issuance of certificate of completion under Section 7 of this Article, and unused portion of the deposit shall be refunded to the applicant.
- e) Upon receipt of the required deposit and predetermined fees and approval of the application by the Township Board, the Township Supervisor shall issue the permit pursuant to the terms established by the Township Board resolution approving the application.
- f) Only the Township Board shall have the authority to approve or deny applications for permits. No other permit issued by any Township official or other governmental body or official shall be a substitute for the permit.

## **Section 6 SPECIFICATIONS FOR RIGHTS-OF-WAY AND ROADWAYS**

Each right-of-way and its roadway shall conform to the following specifications:

- a) Private roads shall be divided into three (3) classes, as follows:
- 1) Class A private roads shall be any private road that meets one or more of the following criteria:
    - a. Serves five (5) or more single-family residential lots, or has a reasonably foreseeable potential to be extended in the future to serve a total of five (5) or more single-family residential lots.
    - b. Connects with, or has a reasonably foreseeable potential to be extended at a future time to connect with, two (2) or more public or private roads or a combination thereof.
    - c. Has a reasonable probability of dedication as a public road.
    - d. Has a length of more than one thousand five hundred (1500) feet, measured on the roadway centerline, from the centerline of the public road to the centerline of the other intersecting road, or the center of the turnaround.
    - e. Serves one or more nonresidential uses, not including farm uses and buildings.
  - 2) Class B private roads are those which do not exceed the criteria for Class A roads as defined above, but which do exceed the criteria for Class C roads as defined below.
  - 3) Class C private roads are those which serve two (2) lots or parcels of real estate not adjoining a public road, which are used, or intended to be used, for not more than two (2) single-family dwelling units, provided:
    - a. Said lots share a right-of-way for ingress and egress to a public road;
    - b. The right-of-way provides a safe means of access for ingress and egress for emergency, fire, and police vehicles from the public road to the single-family dwelling units;
    - c. The lots or parcels of real estate are located no greater distance than one thousand five hundred (1500) feet from the centerline of said public street; and
    - d. The right-of-way is recorded in the office of the Register of Deeds of Washtenaw County.

- b) All Class A and Class B private roads shall meet the following minimum requirements and specifications:
- 1) The roadway surface and turnaround area shall be centered in the right-of-way.
  - 2) The connection between the right-of-way and the public road shall conform to the standards and specifications of the County Road Commission. The applicant shall obtain a road permit issued by the Road Commission prior to approval of any right-of-way by the Township Board.
  - 3) Underground crossroad drainage shall be provided where the proposed right-of-way crosses a stream or other drainage course. Necessary culverts and erosion treatments shall be provided in accordance with the specifications of the Washtenaw County Road Commission.
  - 4) The right-of-way and roadway shall be adequately drained so as to prevent flooding or erosion of the roadway. Ditches shall be located within the right-of-way. Roadway drainage shall be constructed so that the runoff water shall be conveyed to existing watercourses or water bodies. The discharged water shall not be cast upon the land of another property owner unless the water is following an established watercourse. Connection to county drains shall be approved by the Washtenaw County Drain Commission prior to the issuance of permit. Connection to roadside ditches within public road rights-of-way shall be approved by the county road commission prior to the issuance of a permit.
  - 5) A private road will be named with proper approval of authorities.
  - 6) Private road signs shall be designated with the word “private” and shall be erected and maintained in accordance with the **Michigan Manual of Uniform Traffic Control Devices**.
  - 7) The right-of-way shall provide for ingress, egress, drainage, and installation and maintenance of public and private utilities.
  - 8) Class A and Class B private roads shall also meet their respective minimum requirements and specifications as set forth in Table 1 herein, which is specifically incorporated herein by reference and made a part hereof.

- 9) All Class A and Class B roads having direct access to a paved county road, or a paved private road shall be paved in accordance with specifications as listed within Table 1.
- c) All Class C private roads shall meet the following minimum requirements and specifications:
  - 1) Drainage and grading shall be as follows:
    - a) Adequate and positive drainage shall be provided by ditches where deemed necessary by the Township Engineer. Culverts shall be installed where the road crosses drainage ditches, streams, or swales.
    - b) The roadway shall be graded in a manner which will not cause ponding of water on the roadway or obstruct the natural overland flow of surface water runoff. Sufficient existing and proposed grades shall be provided on the sketch plan submitted with the application for permit to demonstrate that the above conditions are complied with.
  - 2) Disturbed areas and ditches shall be protected with grass seed, mulch, and/or sod where necessary to prevent soil erosion.
  - 3) Class C private roads shall also meet the respective minimum requirements and specifications as set forth in Table 1 herein, which is specifically incorporated herein by reference and made a part hereof.

## **Section 7 INSPECTION**

All required improvements shall be inspected by the Township Engineer at various stages of construction. The Township Engineer shall make a final inspection upon completion of construction and shall report the results of the final inspection to the Township Board in writing. The applicant's engineer shall certify to the Township Engineer, before the final inspection and report thereon are made, that the required improvements were made in accordance with this article and all approved plans. A certificate of completion by the Township Engineer shall be in a form as provided by the Township Board and a copy shall be delivered to the Township Clerk and the applicant. The costs of inspection, including compensation of the Township Engineer, shall be paid by the applicant prior to the issuance of the certificate of completion. The Township Board shall establish and determine the costs of inspection. If the applicant does not directly pay the costs of inspection, the same shall be paid from the deposit established by the Township Board and held by the Township Treasurer, and the balance, if any, shall be returned to the applicant.

**Section 8 EXPIRATION OF APPROVAL OF PERMITS**

A permit shall be valid for a period of one year from the date of issuance, or such longer period as determined by the Township Board. If the required improvements have not been completed upon the expiration of the one (1) year or longer period of time, then the permit shall be void and of no force and effect, and all deposits shall be forfeited to Augusta Charter Township.

**Section 9 RECORDING OF RIGHTS-OF-WAY**

The right-of-way, including all agreements as identified in Section 4(a)(4) herein, shall be recorded in the office of the Register of Deeds for Washtenaw County prior to the issuance of the certificate of completion required in Section 7.

**Section 10 BUILDING PERMITS**

No building permit shall be issued for any lot subject to the provisions of this Article unless a permit has been issued by the Township Board.

**Section 11 CERTIFICATES OF OCCUPANCY**

No certificate of occupancy shall be issued for any building on a lot subject to the provisions of this article unless a certificate of completion has been received by the Township Clerk, as provided in Section 7 herein.

**Section 12 VIOLATIONS**

Any person who violates any provision of this article shall be guilty of a misdemeanor and shall be subject to a fine not exceeding five hundred dollars (\$500.00) or by imprisonment not exceeding ninety (90) days, or both such fine and imprisonment. Any access which is used in violation of the terms of this article 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.

**Section 13 VARIANCES**

a) When there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Ordinance, such as topographical and other physical characteristics of a parcel, 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

and public safety secured. Any applicant may apply for a variance from any provision of the Ordinance by filing an application for variance with the Township.

b) The Township Board may attach reasonable conditions in granting any variance from any provision of the Ordinance, and the breach of any conditions or the failure of any applicant to comply with the conditions shall void the variance. This provision of the Ordinance is intended, in part, to enable variances to be granted and conditions attached to the variance to facilitate the upgrading of prior non-conforming rights-of-way and private roads to the standards of the Ordinance, in a reasonably practical manner, including, but not limited to, such rights-of-way and private roads as have been established, recorded, constructed, or maintained prior to the date of adoption of this Ordinance, which cannot be brought into conformity with the Ordinance without unnecessary hardship or practical difficulty due to soil conditions, topographical considerations, or other factors.

#### **Section 14. SEVERABILITY**

This Ordinance and the various parts, sections and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid, it is hereby provided the remainder of the Ordinance shall not be affected thereby.

#### **Section 15. EFFECTIVE DATE**

a) This Ordinance shall become effective thirty (30) days after its publication in a paper of general Township circulation.

Adopted this XXXXX day of XXXXX, 2005.

b) Publication/Posting

A true copy of the within Ordinance amendments shall be posted within 30 days after the first reading and a notice of posting shall be published in the Ypsilanti Courier. This Ordinance shall be effective 30 days after the second reading or adoption by the Township Board.

Amended:           First Reading XXXXXX, 1997  
                      Second Reading XXXXXX, 1998

Effective XXXXXX, 2005

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Kathy Jackson, Supervisor

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Kathy Giszczak, Clerk

**PRIVATE ROAD ORDINANCE**

**TABLE 1**

**AUGUSTA TOWNSHIP, MI**

**MINIMUM REQUIREMENTS AND SPECIFICATIONS FOR PRIVATE STREETS AND ROADS**

	<b>* (URBAN SECTION)</b>			<b>(RURAL SECTION)</b>		
	<b>With Curb, Gutter and Underdrain</b>			<b>Without Curb, Gutter, and Underdrain</b>		
	<b>Class A - No Parking</b>	<b>Class A - Parking Lane on 1 Side</b>	<b>Class A - Parking Lane on 2 Sides</b>	<b>Class A</b>	<b>Class B</b>	<b>Class C</b>
<b>WIDTH OF RIGHT OF WAY</b>	66-feet	66-feet	66-feet	66-feet	66-feet	66-feet
<b>SUB-BASE (SPREAD TO A MINIMUM WIDTH SUFFICIENT TO EXTEND TO THE FRONT SLOPE OF THE ROADSIDE DITCH)</b>	NA	NA	NA	6-inches of Class II Sand - Compacted to 95%	6-inches of Class II Sand - Compacted to 95%	6-inches of Class II Sand - Compacted to 95%
<b>AGGREGATE SHOULDER</b>	NA	NA	NA	5-inches of MDOT Class II Aggregate compacted to 95% (4-feet from edge of asphalt to edge of ditch sloped at 4%). Two (2) 4-foot wide shoulders if paved.	NA. Two (2) 2-foot wide shoulders if paved.	NA
<b>GRAVEL SURFACE BASE</b>	NA	NA	NA	8-inches of MDOT 21AA Aggregate Base in two equal courses, each compacted 32-foot wide	8-inches of MDOT 21AA Aggregate Base in two equal courses, each compacted 20-foot wide. If paved, 24-foot wide.	8-inches of MDOT 21AA Aggregate Base in two equal courses, each compacted 16-foot wide, unless the roadway exceeds 300-feet in length, then 20-foot wide
<p><b>*NOTE:</b> Bituminous pavement sections with concrete curb and gutter (urban section) to be used for access to all non-residential properties, multiple-family residential properties, and single-family residential properties with lot widths 100 feet or less.</p>						

Augusta Charter Township, Washtenaw County, Michigan

	<b>Class A - No Parking</b>	<b>Class A - Parking Lane on 1 Side</b>	<b>Class A - Parking Lane on 2 Sides</b>	<b>Class A</b>	<b>Class B</b>	<b>Class C</b>	
<b>PAVED SURFACE BASE</b>	10-inches of MDOT 21AA Aggregate Base	10-inches of MDOT 21AA Aggregate Base	10-inches of MDOT 21AA Aggregate Base	10-inches of MDOT 21AA Aggregate Base	10-inches of MDOT 21AA Aggregate Base	Not Applicable	
<b>PAVEMENT</b>	Base: 2-inches MDOT 11A HMA * Leveling Course: 1.5-inches MDOT 13A HMA * Top Course: 1.5-inches MDOT 13A HMA (Contractor to use Performance Graded Binder PG58-28 for all layers)	Base: 2-inches MDOT 11A HMA * Leveling Course: 1.5-inches MDOT 13A HMA * Top Course: 1.5-inches MDOT 13A HMA (Contractor to use Performance Graded Binder PG58-28 for all layers)	Base: 2-inches MDOT 11A HMA * Leveling Course: 1.5-inches MDOT 13A HMA * Top Course: 1.5-inches MDOT 13A HMA (Contractor to use Performance Graded Binder PG58-28 for all layers)	Base: 2-inches MDOT 11A HMA * Leveling Course: 1.5-inches MDOT 13A HMA * Top Course: 1.5-inches MDOT 13A HMA (Contractor to use Performance Graded Binder PG58-28 for all layers). Pavement required if projected vehicle trips exceeds 60 per 24 hours based on 10 vehicle trips per residence, or has direct access to a paved county road.	Not applicable - unless proposed road has direct access to a paved county road or paved private road - paving specifications to meet Class A road standards.	Not Applicable	
<b>LANE WIDTH</b>	12-feet and 12-feet	12-feet and 20-feet	20-feet and 20-feet	2 lanes 12-feet each (if paved)	Not applicable - unless proposed road has direct access to a paved county road or paved private road - paving specifications to meet Class A road standards.	Not Applicable	
<b>BACK TO BACK OF CURB AND GUTTER</b>	Back to back curb - 28-feet	Back to back curb - 36-feet	Back to back - 44-feet	NA	NA	NA	
<b>TURN AROUND AREA</b>	Turning Circle	75-foot radius ROW - 53-foot radius road way surface. 2% min. cross slope.	75-foot radius ROW - 53-foot radius road way surface. 2% min. cross slope.	75-foot radius ROW - 53-foot radius road way surface. 2% min. cross slope.	75-foot radius ROW - 50-foot radius road way surface. 2% min. cross slope.	50-foot radius ROW - 35-foot radius road way surface. 2% min. cross slope.	50-foot radius ROW - 35-foot radius road way surface. 2% min. cross slope.
	"T" Type	NA	NA	NA	NA	NA	May be substituted for turning circle if applicant can show that it will function as well as the required turning circle
*NOTE: Bituminous pavement sections with concrete curb and gutter (urban section) to be used for access to all non-residential properties, multiple-family residential properties, and single-family residential properties with lot widths 100 feet or less.							

Augusta Charter Township, Washtenaw County, Michigan

		<b>Class A - No Parking</b>	<b>Class A - Parking Lane on 1 Side</b>	<b>Class A - Parking Lane on 2 Sides</b>	<b>Class A</b>	<b>Class B</b>	<b>Class C</b>
<b>DITCHES</b>	Minimum Grade	NA	NA	NA	0.5%	0.5%	Ditches shall be of sufficient width, depth, and grades to provide for adequate and positive drainage
	0.1% to 4.0%	NA	NA	NA	Sod or other stabilizer	Sod or other stabilizer	
	4.1% and steeper grades	NA	NA	NA	Rip-rap	Rip-rap	
	Front / Back Slopes	NA	NA	NA	1 on 4	1 on 4	
<b>ROADWAY GRADES</b>	Minimum Grade	2.0%	2.0%	2.0%	2.0%	2.0%	Not Applicable
	Maximum Grade	6.0%	6.0%	6.0%	6.0%	6.0%	6.0%
<b>ROADWAY CURVES</b>	Horizontal-Minimum Grade	230-foot Radius	230-foot Radius	230-foot Radius	230-foot Radius	230-foot Radius	75-foot Radius
	Vertical-Minimum Grade	100-feet long for changes in gradient of 2% or more	100-feet long for changes in gradient of 2% or more	100-feet long for changes in gradient of 2% or more	100-feet long for changes in gradient of 2% or more	100-feet long for changes in gradient of 2% or more	Not Applicable
*NOTE: Bituminous pavement sections with concrete curb and gutter (urban section) to be used for access to all non-residential properties, multiple-family residential properties, and single-family residential properties with lot widths 100 feet or less.							