

**HUDSON TOWNSHIP ORDINANCE #2022-02**  
**Private Road Ordinance**

An Ordinance to promote the public health, safety, and general welfare of property owners of the Hudson Township, Lenawee County, Michigan, by the regulation of to the public health, welfare, and quality of life in Hudson Township; and to prescribe the penalties for violations of the regulations.

**THE HUDSON TOWNSHIP BOARD OF TRUSTEES ORDAINS:**

**SECTION 1 Title.**

This Ordinance is to be known and may be cited as the Hudson Township Private Road Ordinance.

**SECTION 2 Intent.**

The intent of this Ordinance is to allow the use of private roads for access to areas of the Township not served by public roadways. Unobstructed, safe, and continuous access to lots is necessary to promote and protect the health, safety, and welfare of the public. Such access is not only necessary for the convenience and safety of residents, but it is crucial to ensure that emergency vehicles have safe and efficient access to private property. Therefore, when the use of private roads is permitted, it is essential that they meet minimum standards and specifications. The procedures, standards and specifications set forth in this Ordinance are the minimum procedures, standards and specifications necessary to assure the even and fair application of requirements to meet the intent of this Ordinance.

**Section 3 Definitions**

The following words, terms, and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**BUILDING.** Building means an enclosed structure used or intended for use for the housing, enclosure, or shelter of people, animals or chattels.

**LOT.** Lot means a parcel of land; real estate.

**PERMIT.** Permit means a right-of-way permit issued pursuant to this Ordinance.

**PRIVATE DRIVEWAY.** A private driveway is a paved or gravel area directly behind the street curb providing vehicular access to a single-family residence.

**PRIVATE ROAD.** Private road means a privately owned and maintained route, which provides vehicular access to a lot or lots, and which has not been dedicated to public use.

**ROAD RIGHT-OF-WAY.** A road right-of-way is a strip of land reserved for the use of streets, walks, utilities, landscaping and other infrastructure.

**TOWNSHIP ENGINEER.** Township engineer means 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.

#### **Section 4: Parcels of land exempted**

1. All improved private roadways and developed access easements which have been in existence prior to adoption of this Ordinance are exempt from the application of this Ordinance and shall be deemed to be in conformance with the Hudson Township Private Road Ordinance.
2. A private driveway that is shared by two single-family residences that have the appropriate lot width, pursuant to the current requirements of the Hudson Township Zoning Ordinance, on a public road or approved private road, are not considered private roads and are not regulated by this Ordinance.

#### **Section 5 General Provisions**

1. Every lot in the Township that is improved with a building shall either abut a road dedicated to the public or a private road that meets the requirements of this Ordinance.
2. Frontage on a private road which meets the requirements of this Ordinance may be used to satisfy the road frontage and lot width requirements of the Hudson Township Zoning Ordinance.
3. No lot served by a private road shall be improved with a building subsequent to the date of adoption of this Ordinance, unless a permit in accordance with this Ordinance has been issued.
4. Any private roadway constructed after the effective date of this amendment to the Zoning Ordinance shall meet the requirements of this Ordinance.
5. No person shall construct, alter, or extend a private roadway without compliance with this Ordinance and obtaining a permit in accordance with the requirements of this Ordinance. This provision shall not be construed to prohibit normal maintenance of a non-conforming private road.
6. Every private roadway authorized under this ordinance shall bear a separate and distinct road or street name, approved by the Hudson Township Board and Lenawee County Road Commission.

#### **Section 6 Application Requirements**

Applicants for private roadway approval shall provide the following as part of an application for a permit:

1. A legal description of each lot to be served by the right-of-way.
2. A legal description of the right-of-way.

3. The names and addresses of all persons or parties owning an interest in the title to the lots and right-of-way area.
4. A survey drawing showing the outline of the proposed right-of-way and the dimensions and bearings thereof.
5. Existing topographic contours, at one-foot intervals, of the right-of-way area and all adjacent land within 100 feet thereof, or within such greater area as may be necessary to determine whether drainage methods will be adequate.
6. Soil characteristics and wet areas.
7. Existing trees within 20 feet of the proposed right-of-way.
8. Streams and all bodies of water within 100 feet from the right-of-way area, or within such greater area as may be necessary to determine whether drainage methods will be adequate.
9. Existing buildings within 20 feet of the proposed right-of-way.
10. The proposed right-of-way in relation to the nearest property lines.
11. The location of all proposed improvements in the right-of-way area.
12. Plan and profile drawings and cross sections of the proposed improvements clearly showing all materials, grades, and dimensions.
13. A complete statement of all the terms and conditions of the proposed roadway easement including copies of all agreements or intended agreements regarding the maintenance and improvement of the private roadway. The maintenance agreements and roadway improvement agreements shall:
  - a. Be in such form as to be recordable with the Lenawee County Register of Deeds;
  - b. Specifically address the liability and responsibility of the parties to agreement to maintain and improve the private roadway pursuant to the specifications of this Ordinance including, but not limited to, the responsibility of removing snow from said private roadways.
  - c. The recorded statement which runs with the land shall also inform subsequent purchasers that the roadway is private and may never be maintained or accepted by the Lenawee County Road Commission.
14. A fee as established by resolution of the Township Board to defray the costs of plan review, administration, inspection and enforcement of this Ordinance.
15. The application shall be signed by the applicant and property owner, if different from the applicant.
16. All drawings shall be prepared by a registered land surveyor or civil engineer, registered in the state, and shall bear the seal of the same.
17. The applicant shall provide evidence that the proposed right-of-way will be built in conformance with the Lenawee County Drain Commissioner's standards for retention and drainage facilities.

## Section 7 Permit Approval Procedure

1. Referral to Township Board. Upon receipt of an application, the Township Clerk shall bring the application before the Township Board at its next regular meeting. The Township Board shall refer the application materials to the Township engineer for review and comment and the Township Board may, in its discretion, refer the application to the Planning Commission or other appropriate body for review and comment.
2. Township Engineer's Report. The Township engineer shall report in writing to the Township Board as to whether or not the proposed right-of-way and roadway conform to the standards and specifications of this Ordinance. Such report may include any suggested conditions to be attached to the permit that, in the Township engineer's judgment, are necessary to achieve the intent of this Ordinance.
3. Consideration by Township Board and Conditions. The Township Board 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 Ordinance, the Township Board shall not grant the permit. The Township Board shall impose such conditions on the approval of the permit as it deems necessary to achieve the intent and objectives of this Ordinance, which may include, but need not be limited to, conditions suggested by the Township engineer. The breach of any such condition proposed by the Township Board shall automatically invalidate the permit.
4. Deposit to Guarantee Performance. As a condition to the granting of any permit under this Ordinance, 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 the certificate of completion under Section 9 of this Ordinance, any unused portion of the deposit shall be refunded to the applicant.
5. Issuance. Upon receipt of the required deposit and predetermined fees and approval of the application by the Township Board, the Township Clerk shall issue the permit pursuant to the terms established by the Township Board resolution approving the application.
6. Authority of Township Board to Approve or Deny. 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.
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## Section 8 Specifications for rights-of-way and roadways

1. Classes of Private Roads. Private road shall be classified into the following classes

- a. Private Roadway, Class I. A roadway that does not meet any of the criteria for a public roadway or street, as defined in the Hudson Township Zoning Ordinance, but which does exceed the criteria for a Class II roadway as defined below.
  - b. Private Roadway, Class II. A roadway that serves three (3) or four (4) one-family residential lots. A roadway that serves one (1) or two (2) one-family residential lots that do not have the minimum lot width frontage, required by the Hudson Township Zoning Ordinance, on a public roadway, street or right-of-way, shall be a Class II private roadway.
2. Minimum Requirements for All Classes. All Class A and Class B private roads shall meet the following minimum requirements and specifications:
- a. Unless specifically regulated under this Ordinance, private roadways shall meet the standards set forth in the Standards and Specification for Plat Development and Street Construction of Lenawee County.
  - b. The connection between the right-of-way and the public road shall conform to the standards and specifications of the Lenawee 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.
  - c. All surface water drainage, not retained on-site, from lots served by private roadways shall be conveyed to an approved point of discharge. Approval of the design and construction of the conveyance system shall be by the Lenawee County Road Commission, Lenawee County Drain Commission or other regulatory agency having jurisdiction.
  - d. Road signs shall be erected and maintained in accordance with the Michigan Manual of Uniform Traffic Control Devices.
  - e. The right-of-way shall provide for ingress, egress, drainage, and installation and maintenance of public and private utilities.
  - f. All dead-end private roadways and developed easements shall include a cul-de-sac at the dead end designed and built to the Lenawee County Road Commission standards. Private roadways that serve three (3) or less single-family residential lots may terminate with a T-Type turnaround with a branch leg, fifty (50) foot minimum in length.
  - g. Roadways exceeding 400 feet in length shall provide a developed shoulder and/or berm area, 75 feet in length and 26 feet in width inclusive of the traveled portion of the roadway, at the mid-point of the roadway developed length. There shall be one additional passing area provided for every 400 feet, or portion thereof, of additional roadway length.
3. Specific class requirements. Class A and Class B private roads shall also meet the following schedule of minimum requirements and specifications for private roadways:

**TABLE OF PRIVATE ROADWAY REQUIREMENTS**

	<b>Class I</b>	<b>Class II</b>
Easement Width	Sixty-six (66) feet.	Sixty-six (66) feet.
Sub-base	Six (6) inches of sand unless the native soil is of a granular type suitable for a sub-base and spread to a minimum width sufficient to extend to the front slope of the roadside ditch.	Same as Class I.

**BASE**

For Gravel Surface	Six (6) inches of 22A or 23A processed road gravel in two equal courses, each compacted twenty (20) feet wide.	Same as Class I except sixteen (16) feet wide.
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**TURNAROUND AREA**

Cul-De-Sac	Seventy-five (75) foot radius to the center line of the right-of-way.	Same as Class I.
T-Type	Not permitted.	May be substituted for a cul-de-sac on a roadway serving three (3) or less single-family residential lots, if applicant can show that it will function as well as the required turning circle.

**DITCHES**

0.5%-4.0% Grades	0.5% sod or otherwise stabilize.	Ditches shall be of sufficient width, depth, and grades to provide for adequate and positive drainage.
4.1% and Steeper Grades	Rip-rap	
Front/Back Slopes	1 on 4	

**ROADWAY GRADES**

Minimum	0.5%	0.5%
Maximum	6.0%	6.0%

*continued*

	<b>Class I</b>	<b>Class II</b>
<b>ROADWAY CURVES</b>		
Horizontal-Minimum	Per Lenawee County Road Commission standards	Same as Class I.
Vertical Minimum	100 feet long for changes in gradient of 2% or more	Same as Class I.

4. Upgrade of Roadway. Whenever new development on a private roadway results in the upgrade of the roadway from one class to another, the private roadway shall be improved according to the higher standards of the new classification. Whenever new development on a private roadway results in the upgrade of the roadway to a public roadway, the private roadway shall be improved according to the standards of the Lenawee County Road Commission.

**Section 9 Inspection**

1. All required improvements shall be inspected by the Township engineer at various stages of construction.
2. Before the final inspection, the applicant's engineer shall certify in writing to the Township engineer using the form provided by the Township, and that the required improvements were made in accordance with this Ordinance and all approved plans.
3. The Township engineer shall then make a final inspection upon completion of construction and report the results of the final inspection to the Township Board in writing.
4. 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.
5. 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 administration and inspection, which shall be paid from the deposit established by the Township Board and held by the Township Clerk, and the balance, if any, shall be returned to the applicant.

**Section 10 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 year or the longer period of time, then the permit shall be void and of no force and effect and all deposits shall be forfeited to the Township.

### **Section 11 Recording of rights-of-way**

The right-of-way, including all agreements as identified in Section 6 of this Ordinance shall be recorded in the office of the register of deeds for the county, after approval of the language of the agreement by the Township Attorney, prior to the issuance of the certificate of completion required in Section 9 of this Ordinance.

### **Section 12 Building permits**

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

### **Section 13 Certificates of occupancy**

Except as set forth in this section, 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 9 of this Ordinance.

A certificate of occupancy may be issued prior to the issuance of a certificate of completion, upon recommendation by the Township engineer, and upon deposit with the Township Clerk of a sum of money, certified check, or bank letter of credit in an amount sufficient to guarantee completion of the remaining required improvements.

### **Section 14 Variances**

1. Application. 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 lot, the Township Board shall have the power to vary or modify the application of the provisions of this article so that the intent and purpose of this Ordinance shall be observed, public safety secured, and substantial justice done. Any applicant may apply for a variance from any provision of this article by filing an application for variance with the Township Clerk.
2. Public Hearing. The Township Board shall hold a public hearing upon such application within 45 days from its filing. The Township Clerk shall give notice of the hearing to the owners of all property abutting and/or having access for ingress and egress of traffic by means of the private road described in the variance application, as well as law enforcement officials, fire officials, and ambulance companies known by the Clerk to serve such property. The notice shall be mailed to each such party and published in a newspaper of general circulation in the Township not later than fifteen (15) days prior to the hearing.
3. Approval or Denial; Approval with Conditions. Any party may appear and comment at the hearing in person, by agent, or by attorney. The Township Board shall keep a record of such hearing and shall render a written decision not later than the next regular Township Board meeting held after the hearing date. The Township Board may attach reasonable conditions in granting any variance from any provision of this article, and the breach of any conditions or the failure of any applicant to comply with

the conditions shall void the variance.

4. Purpose of Section. This section is intended, in part, to enable variances to facilitate the upgrading of prior nonconforming rights-of-way and private roads to the standards of this article, 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 provisions of this Ordinance without unnecessary hardship or practical difficulty due to soil conditions, topographical considerations, or other factors.