

**Lapeer County, Michigan**

**Goodland Township**

**Private Road  
Ordinance No. 1305**

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TOWNSHIP OF GOODLAND  
PRIVATE ROAD ORDINANCE

Ordinance No. 1305

An ordinance regulating the design, construction, inspection, approval, and maintenance of private roads within Goodland Township, Lapeer County, Michigan.

THE TOWNSHIP OF GOODLAND ORDAINS:

Section 1:     INTENT

This Ordinance is intended to provide minimum standards and specifications for private roads constructed in Goodland Township. It is recognized that such standards are necessary because of the need for road services adequate to provide year around access by fire, police, and like emergency services. It is further recognized that if roads are not constructed in accordance with certain minimum standards, such roads frequently become impassable, and vehicles are likely to become stuck, find it impossible to gain access to the persons or structures located on the roadway, block the roadway, and/or otherwise pose a threat to the health, safety and welfare of the residents located along the roadway, as well as those other residents who would find use of the roadway essential.

Based upon the specific type of development being proposed, the following shall be the minimum type of road that will be approved for access to the development under review:

Type of Development	Private Road, Gravel Surface	Private Road, Paved Surface	Public Road Only
Single Family	<b>X</b>		
Multiple Family		<b>X</b>	
Mobile Home Park		<b>X</b>	
Office			<b>X</b>
Commercial			<b>X</b>
Industrial or Research			<b>X</b>

Section 2:     DEFINITIONS

Private Driveway

shall mean any piece of privately owned and maintained property which is used for access by vehicular traffic to no more than two parcels of private property but is not open or normally used by the public.

Private Road

shall mean a privately owned and maintained road, allowing access to more than one parcel, which is normally open to the public and upon which persons other than the owners located thereon may also travel. The erection of such signs as “Residents Only”, or the like shall not be deemed to remove any roadway from the requirements of this Ordinance where said roadway is

deemed to come within this Ordinance by the Goodland Township Zoning Administrator or his/her designee.

Road

shall mean a thoroughfare which affords vehicular traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, street, and other thoroughfare, except an alley or private driveway.

Section 3:     PROHIBITIONS

Construction of Private Roads.

No persons shall construct a private road within the Township of Goodland except in accordance with the standards as herein set forth.

Sale of Parcel of Land.

No person shall sell any parcel of land within the Township of Goodland unless said parcel of land fronts upon a public road which is dedicated to the public or unless said parcel of land fronts upon a private road which meets the standards as herein set forth, or unless said parcel of land fronts upon a private drive which meets the standards set forth in the Private Driveway Ordinance, being Ordinance 1304, or unless said contract, deed or other conveyance of sale contains the following language:

“This parcel is not a buildable site for the reason that said parcel does not front on an acceptable ingress and egress in accordance with standards as set forth by the Private Road Ordinance of the Township of Goodland.”

Building Permits.

No building permit shall be issued by the Goodland Township Building Department or any official therein, or any other official of the Township of Goodland for any structure unless said structure fronts on a public road or highway which is dedicated to the public, or unless said structure fronts on a private road which road meets the standards as herein set forth. Nothing in this section shall be deemed to waive any of the lot width, width to depth ratio, or like requirements as set forth in the Goodland Township Zoning Ordinance.

Section 4:     CONVEYANCE OF INTEREST IN LAND ABUTTING PRIVATE ROAD

At the time of the conveyance of any interest in any parcel, and which parcel abuts a private road as herein set forth, which conveyance shall be deemed to include the acceptance of an offer to purchase, the grantor of such interest shall advise the grantee that said parcel abuts a private road, and that the maintenance, care, and other responsibilities concerning said private road rest with the abutting land owners and are not the responsibility of the Township of Goodland, the County of Lapeer, or the State of Michigan.

Section 5:     PERMIT REQUIRED

No construction shall begin on any private road until a permit has been issued by Goodland Township following compliance with such requirements as set forth in this Ordinance.

Section 6: APPLICATION REQUIREMENTS

- A) A complete Private Road Application form.
- B) A true and accurate survey, including both a drawing to scale and full legal description, of the parent parcel, all parcels which would result from the proposed division of the parent parcel, and the private road easement for ingress, egress, road and public utility purposes. The survey shall include the following:
  - i) All adjoining property within 100 feet of the parent parcel or parent tract;
  - ii) All dimensions of existing and proposed property lines and easements;
  - iii) Location of all existing buildings, wetlands, lakes, streams, ponds, drives, public and private roads, easements, wells and septic fields, including setbacks from all property lines;
  - iv) The size (in square feet and acres) of each resulting parcel;
  - v) The proposed location and type of access to each resulting parcel;
  - vi) Setbacks from property lines to all proposed buildings, drives, easements, wells, and septic systems.
- C) Engineering plans of the proposed roadway construction.
- D) A copy of the roadway maintenance agreement that will be recorded with the deed or land contract for each lot or parcel to be served by the private road.
- E) Application fee and consultant review fee, as established by resolution of the Township Board. The consultant review fee shall be used to pay the fees of any consultants the Township deems necessary to review and inspect the application, plans, and construction of the private road.

Section 7: ROADWAY DESCRIPTION AND MAINTENANCE AGREEMENT

- A) All private roads shall have a minimum right-of-way easement of sixty-six (66) feet in width and shall include an easement granted to Goodland Township for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and/or removing pipelines, mains, conduits and other installations of a similar character (hereinafter collectively called "Public Structures") for the purpose of providing public utilities, including conveyance of sewage, water and storm water runoff across, through and under the property subject to said easement, and excavating and refilling ditches and trenches as necessary for the location of said structures.
- B) The legal description of the roadway easement shall be recorded as a part of the deed or land contract for every parcel of property to which it provides access.
- C) A Private Road Maintenance Agreement, in a form approved by the Goodland Township Board, shall be recorded as a part of the deed or land contract for every parcel of property to which the road provides access or which abuts said private road. The Maintenance Agreement shall be binding on all parties and shall guarantee a financial mechanism for and

actual, regular maintenance of the private road by all benefited property owners. Neither Goodland Township nor the Lapeer County Road Commission have any responsibility or legal authority to maintain private roads.

Section 8:      STANDARDS FOR CONSTRUCTION

The design and construction of all private roads shall be in conformance with the current “Street Standards and Specifications” of the Lapeer County Road Commission, as amended, unless specifically regulated in this Section 8 below. Engineering plans, drawn to a minimum scale of 1”=100’ and prepared by a Registered Civil Engineer shall be submitted to the Township which demonstrate conformance with the Lapeer County Road Commission Standards and Specifications and this ordinance, and shall include the following:

- A) A legal description of the entire parcel(s), all proposed property splits, and the proposed road easement.
- B) A minimum easement width of sixty-six (66) feet.
- C) All dead-end roads shall terminate in a cul-de-sac turn-around with a minimum diameter of one hundred twenty (120) feet.
- D) Soil borings shall be taken by an independent testing laboratory or qualified professional at intervals not to exceed 500 feet. Additional borings may be required where the USDA Soil Survey of Lapeer County or on-site inspection indicates unstable soil may be present.
- E) The applicant shall remove all unsuitable soil including muck, peat, marl, as well as brush, trees, tree stumps, and similar materials from the full width of the roadway, including the shoulders. These areas shall then be backfilled with MDOT Class II Granular Material to provide a stable sub-grade for the roadway construction.
- F) A cross-section of the roadway showing the proposed aggregate or bituminous surfacing, granular sub-base, and the shoulder and ditch profile in conformance with the Lapeer County Road Commission Street Standards and Specifications cross-sections for streets and cul-de-sacs. The road surfacing material shall be compacted in the excavated area for the full length and width so that a uniform surface results. The required 8 inch surface material shall be laid and compacted in two separate courses.
- G) The plans shall show existing and proposed grades and the location of all existing and proposed drainage facilities and structures. Elevations shall be based on USGS data.
- H) The intersection of roads shall be as close to 90 degrees as possible with a variation of no more than 10 degrees.
- I) Road grades in excess of six percent (6%) shall be approved by the Township Board upon the recommendation of the Township’s consulting Engineers. At the intersection of two roadways, however, the maximum grade shall be three percent (3%) for a distance of one hundred (100) feet from the point of intersection.

- J) Sight distances on horizontal and vertical curves and at intersections shall be a minimum of two hundred (200) feet measured at a point ten (10) feet from the edge of the traveled way at a height of forty-two (42) inches to an object height of forty-two (42) inches.
- K) The applicant shall obtain a soil erosion control permit from the Lapeer County Planning Commission and shall install and maintain all erosion control devices throughout the construction period.
- L) The Township's consulting Civil Engineer shall review the plans and the consulting Civil Engineer shall inspect construction of all private roads. The cost of the plan review and construction inspection(s) shall be paid by the applicant/developer from the consultant review fee.
- M) Construction permits from the Lapeer County Road Commission are required for connections to county roads and from the Michigan Department of Transportation for connection to State Highways.
- N) All private roads created hereunder shall be named, with said name to be approved by the Township of Goodland Board and the Lapeer County Road Commission. All required name signs and signposts shall be erected by the Lapeer County Road Commission at the expense of the applicant.
- O) There shall be a minimum of sixty-five (65) feet of road frontage for all parcels of property to be located on a private road cul-de-sac. Nothing in this section shall be deemed to waive any of the lot width requirements as set forth in the Goodland Township Zoning Ordinance.
- P) The private road engineering plans shall include a schedule showing the method used to determine driveway culvert sizes for each proposed lot, in conformance with the Lapeer County Road Commission Specifications for driveway culverts. Installation of all driveway culverts shall require the issuance of a building permit. All drive culverts shall be at least the size indicated on approved plans.

Section 9: APPROVAL PROCEDURE

- A) The complete plans, including the proposed maintenance agreement and the layout of all proposed lots or parcels to be served by the private road, shall be submitted to the Planning Commission at least twenty (20) days prior to a regular meeting.
- B) The Planning Commission shall study the plans, the written review of the civil engineer, and shall review the request for compliance with the requirements of this Ordinance and the Goodland Township Zoning Ordinance; after which the Planning Commission shall approve or disapprove the request. No request shall be approved which does not meet all the requirements of this Ordinance and the Goodland Township Zoning Ordinance.

Section 10: INSPECTIONS AND APPROVAL

- A) All construction shall conform to the plans approved by the Township. All inspections will be based upon the approved plan. Construction not according to the approved plan and/or not inspected according to the Township's requirements may not be approved.
- B) At least one week prior to the start of construction, the applicant shall schedule a pre-job meeting between the applicant and the Township Engineer to discuss the scheduling, inspection(s) and conduct of the work.
- C) Inspections shall be made:
  - i) Upon completion of stripping operations;
  - ii) Upon completion of clay grade and ditch excavation;
  - iii) Upon completion of the sub-base;
  - iv) Upon completion of each course of the surface,
  - v) After completion of fine grading, top soil, seeding, and mulching.
- D) The contractor shall notify the Township Engineer 48 hours before the conclusion of each step in the roadway construction so that the required inspections can be completed without delay to the subcontractor.
- E) The applicant shall provide weigh slips which certify the weight and class of material used for sub-base, aggregate, and bituminous material used.
- F) Inspections will be certified by the Township Engineer so that a complete record of the private road construction can be made available to the Lapeer County Road Commission in the event that the private road owners choose to upgrade the road to County specifications and dedicate it to the County for acceptance as a public road, if possible.

Section 11: PERFORMANCE DEPOSIT

- A) The applicant shall file with the Township Treasurer a cash deposit or certified check acceptable to the Township sufficient to cover 25% of the total cost of the required improvements.
- B) When the work is completed, inspected, and approved by the Township, the entire deposit will be released to the applicant.

Section 12: EXTENDING EXISTING PRIVATE ROADS

In those cases where the applicant wishes to extend an existing private road, such extension shall be granted only if the existing private road is brought up to the standards set forth in this Ordinance. All of such standards as set forth herein shall be deemed to apply to both the proposed extension and the existing roadway. Further, such applicant shall obtain consents from all of those persons who own any interest in the existing right-of-way, or have the right of access to their property there from, which consent shall be in writing and shall be filed with the



Township along with the filing of the application for permit hereunder. Such consent shall provide:

- A) That the consenting party consents to the extension of the roadway pursuant to the application, and
- B) That the consenting party consents to the upgrading of their existing roadway to the standards as set forth herein, and where applicable, will agree to deed such easements or right-of-way as are necessary to create width and the like requirements as set forth herein. The Township Board shall not vary this requirement as it concerns consents.

Section 13: EXISTING PRIVATE ROADS NOT MEETING STANDARDS OF ORDINANCE

In those instances where a permit is being sought for the construction of a structure to be built on a lot or parcel of record that is located on an existing private roadway, which private roadway does not meet the standards as herein set forth, the Township Building Department shall issue permits for existing lots or parcels of record on said private roadway. The Building Department shall not issue permits where the applicant is creating new lots or parcels by division of one or more of the existing lots or parcels of record, unless said private roadway is brought up to the standards as herein set forth.

Section 14: DEDICATION

All rights-of-way, subject to the required easements to the Township as specified under Section 7.1 of this ordinance shall be dedicated to the adjoining property owner who gains access of said right-of-way. If a parcel adjoining said right-of-way is not to be served by said right-of-way, then the deed dedicating such right-of-way shall specifically provide for that exclusion, and said adjoining property owner shall not share in the ownership of the right-of-way.

Section 15: ENFORCEMENT AND PENALTIES

- A) Any person, firm, or corporation who violates any of the provisions of this ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$50.00, plus costs and other sanctions, for each infraction. Repeat offenses under this ordinance shall be subject to increased fines as provided for in the Civil Infraction Ordinance.
- B) Each day that a violation is permitted to exist shall constitute a separate offense.
- C) The imposition of any sentence shall not exempt the offender from compliance with the requirements of this ordinance.

Section 16: VALIDITY

This Ordinance and the various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection,

phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this ordinance shall not be affected thereby. The Township Board hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause thereof irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

Section 17: RELATIONSHIP TO OTHER LAWS AND ORDINANCES

Whenever regulations or restrictions imposed by this Ordinance are either more or less restrictive than regulations or restrictions imposed by governmental authority through legislation, rule, or regulation, the more restrictive regulations or those which impose higher standards shall govern.

Section 18: REPEAL OF CONFLICTING ORDINANCES

The previous Goodland Township Private Road Ordinance, being Ordinance 1303, is hereby repealed in its entirety.

Section 19: EFFECTIVE DATE

This Ordinance shall take effect 30 days following publication of a notice of adoption, as provided by law. The foregoing Private Road Ordinance was adopted by the Goodland Township Board at a meeting held on October 9, 2001, in the Goodland Township Hall.

\_\_\_\_\_  
Ronald Cischke, Supervisor

\_\_\_\_\_  
Anna Maria Calianno, Clerk

Publication Date: \_\_\_\_\_

Effective Date: \_\_\_\_\_

**CERTIFICATION BY CLERK**

I hereby certify that the foregoing Goodland Township Private Road Ordinance was duly adopted by the Goodland Township Board at a regular meeting thereof held on October 9, 2001, and a Notice of Adoption was ordered published by the Goodland Township Board.

\_\_\_\_\_  
Anna Maria Calianno, Clerk  
Township of Goodland