

ARTICLE V. PRIVATE ROADS¹

Sec. 28-251. Purpose.

The township has determined that as tracts of land, lots, and parcels are divided, sold, altered, transferred, or developed, private roads and access easements are being created and used to provide access to newly-divided or created lots, parcels, or properties, such accesses are not always subject to regulation under the Michigan Land Division Act, being Public Act No. 288 of 1967 (MCL 560.101 *et seq.*), and other state regulations. The township determines that it is in the best interest of the public health, safety, and welfare to regulate the construction, improvement, extension, relocation, maintenance, and use of private roads and access easements to assure that:

- (1) Private roads are designed and maintained with such width, surface, and grade to assure safe passage and maneuverability of private vehicles, police, fire, ambulance, and other vehicles.
- (2) Private roads are constructed of suitable materials to ensure minimal maintenance and safe passage.
- (3) Private roads will be constructed so as to protect against or minimize soil erosion and prevent damage to the lakes, streams, wetlands, and natural environment of the township.

Nothing in this article shall be construed to limit or impair the township's ability to perform any action it may lawfully perform, including but not limited to making local or public improvements and creating special assessment districts.

(Ord. No. 2022-04, §§ 1, 2, 4-25-2022)

Sec. 28-252. Definitions.

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

Access means motorized vehicle access and utilities provisions.

New private road means a lawful private road, or extension thereof, constructed or installed after November 19, 1990.

Parcel means any land that, under the provisions of the township's zoning ordinance, may be occupied by only one principal building or use, but not necessarily conforming to lot lines. The terms "parcel" and "lot" shall include lots, parcels, platted lots, metes and bounds parcels, and site condominium units.

Private road means any undedicated path, trail, or road that provides or is intended to provide the primary means of ingress and egress to two or more parcels or two or more principal buildings, dwelling units, structures, or combination thereof, whether created by a private right-of-way agreement, a private dedication, a joint ownership, a license, a lease, or an easement. Any and all extensions, additions, or branches of or to a private road

¹Editor's note(s)—Ord. No. 2022-04, §§ 1, 2, adopted Apr. 25, 2022, repealed the former Art. V., §§ 28-251—28-259, and enacted a new Art. V as set out herein. The former Art. V pertained to similar subject matter and derived from Comp. Ords. 1988, §§ 132.001—132.009; Ord. No. 684, adopted June 5, 2000; ; Ord. No. 698, §§ 1.01—1.09, adopted Oct. 23, 2000; Ord. No. 754, adopted March 29, 2004; Ord. No. 2020-05, §§ 5, 6, adopted Aug. 24, 2020.

shall be considered part of the private road that leads off of or to a public road. A private road shall also include any of the following:

- (1) An access serving one parcel that does not have the requisite amount of frontage on a public road as required by this article or the zoning ordinance.
- (2) Where two or more parcels or dwellings share or utilize a common access drive, even if each parcel has the required frontage on a public road.

Zoning ordinance means the Plainfield Charter Township Zoning Ordinance, as amended.

(Ord. No. 2022-04, §§ 1, 2, 4-25-2022)

Sec. 28-253. Design standards.

(a) Every private road right-of-way or easement shall have a minimum width of at least 66 feet and shall expressly allow utilities. No part of a private road right-of-way or easement shall be located closer than ten feet to any property line without the written consent of the adjoining property owner of a parcel not served by the subject private road and also with the approval of the planning commission of such closer location pursuant to section 28-254(d).

Public water and sanitary sewer (if available), storm sewer (if needed as determined by the township's engineer) and utility lines shall be installed at the time the private road is constructed, and easements shall be reserved for such utilities. For purposes of this subsection (a), public water and sanitary sewer shall be considered "available" if public water or sanitary sewer currently exists within 500 feet of the new private road or extension of an existing private road, measured along the right-of-way, easement, highway, street, or public way, and the township's engineer determines that such public sewer and/or public water may be feasibly extended wholly within the public right-of-way or road and utility easement to service the new private road or existing private road extension. Public water and sewer shall also be deemed "available" if they are located within 500 feet of the new private road or extension of an existing private road and can reasonably be extended (even if no conventional easement is available for extension).

(b) Private road widths and materials shall conform at all times to all of the following:

Standards	Serving one or two Parcels or Lots	Serving three or four Parcels or Lots	Serving five or More Parcels or Lots
Width of the improved roadway	14 feet (plus shoulders at least four feet wide on each side). The width of the shoulders may be reduced by the planning commission pursuant to section 28-254(d).	18 feet (plus shoulders at least four feet wide on each side)	22 feet (plus shoulders at least four feet wide on each side), but if the private road is to include a storm sewer system, the minimum width of the road surface, including valley gutters, shall be 26 feet.
Materials	Road surface may be gravel but shall be constructed of a minimum sub-base of 12 inches of sand and six inches of finished compacted gravel (MDOT 22A) on the top thereof. Shoulders may be gravel.	The road surface shall be a minimum of three inches of bituminous aggregate meeting MDOT specifications 1100T, as amended. The community development director (in consultation with the	Road surface shall be a minimum of three inches of bituminous aggregate meeting MDOT Specification 1100T, as amended, on top of a six-inch compacted gravel subbase. Shoulders may be gravel.

		township engineer) may allow the road surface to be gravel but shall be constructed of a minimum sub-base of 12 inches of sand and six inches of finished compacted gravel (MDOT 22A) on the top thereof. Shoulders may be gravel.	
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- (c) The private road surface shall have a minimum crown of two-tenths of one foot from the centerline of the private road surface to the outside edge of the road surface.
- (d) A road shoulder shall be provided on each side of the private road surface with a minimum width of four feet containing a slope of twenty-two hundredths of a foot from the outside edge of the road surface to the toe of the slope. A road shoulder shall not be required where a curb and gutter or asphalt valley gutter system has been installed in accordance with county road commission standards.
- (e) If a private road ends in a cul-de-sac, the easement or right-of-way for each such cul-de-sac shall have a minimum radius of 60 feet. The cul-de-sac surface shall have a minimum radius of 40 feet and shall be constructed in accordance with the standards set forth in subsections (b), (c), and (d) of this section. The standards for a cul-de-sac may be modified for a particular private road with the approval of both the township fire department and the planning commission under section 28-254(d).
- (f) The layout of private roads in respect to their location, intersections, street name and traffic control signs, horizontal curves, and curb openings where the private road intersects with a public street shall conform to Kent County Road Commission standards for public use.
- (g) All utilities within a private road right-of-way or easement shall be constructed and maintained underground. Any easements necessary for the provision of township water or sewer service shall be in a form and with language approved by the township and shall be recorded in the records of the Kent County Register of Deeds and a recorded copy shall be filed with the township community development director (the "director") prior to issuance of the final private road permit.
- (h) All private roads shall be named and be identified by the use of appropriately located street signs. The director shall approve all private road names. Street names shall not duplicate any existing street name in Kent County except where it is a continuation of an existing street. All lots or parcels fronting on a private road shall have an address on the private road.
- (i) Private road grades shall not exceed seven percent.
- (j) All private roads, including those existing prior to the adoption of the ordinance from which this article is derived, shall be maintained and snowplowed at all times such that emergency vehicles can safely access all parcels served by the private road at all times and in all weather conditions. All private roads, including those existing prior to adoption of the ordinance from which this article is derived, shall be maintained in a safe manner at all times and shall have snow plowed/removed promptly once three inches or more of snow has fallen. A maintenance agreement as described in section 28-254 hereof is required before a private road permit will be issued for a new private road or an extension to an existing private road.

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- (k) If any portion of a private road is located within ~~35-10~~ feet of a property line of a parcel or lot not served by the subject private road, a greenbelt not less than ten feet in width shall be installed and maintained along the property line. The greenbelt shall be maintained at all times in as good a condition as when installed and shall be composed of deciduous trees interspersed with evergreen trees as required by the greenbelt provisions of the zoning ordinance. The greenbelt shall also include at least one row of dense shrubs placed not less than five feet apart having a minimum height of three feet when planted.
- (l) A working streetlight shall be located (and turned on during dark hours) at the intersection of a public road and a private road serving more than ~~fivefour~~ parcels. Any costs associated with maintaining, operating and replacing the streetlight and the electric costs for the streetlight shall be paid for by at least one of the property owners ~~all of the then-owners of all~~ of the lots served by the private road involved.
- (m) A drainage system serving the private road and surrounding areas shall be designed and installed, which shall be approved by the township's engineer. Cross-culverts and/or the portion of the private road system which conveys cross-drainage shall be designed and installed to accommodate a 100-year storm event which shall surcharge no higher than one foot below the minimum building openings for adjoining structures, and/or one foot below proposed minimum basement openings, and/or one foot below the low-point in the road. A retention or detention system shall be designed, maintained and installed in accordance with the county drain commissioner's requirements (as well as those of the township's engineer) to serve the development or parcels accessed by the private road. Materials for culverts shall conform to Kent County Road Commission standards.
- (n) No gate or similar obstruction or impediment shall be installed or maintained along any portion of a private road (or at the intersection of a private road with a public road or other private road) unless expressly approved by the director or planning commission (as applicable) based upon the recommendation of the township fire department. Furthermore, any such system shall be designed and maintained so as to remain fully open should a power failure occur. The township fire department shall, at all times, be provided with a current key or the equivalent for opening such gate or security system should a fire or other emergency arise.
- (o) The requirements of article VII, emergency vehicle driveway access must also be met.
- (p) Exceptions: -Where there are difficulties in carrying out the strict letter of Section 28-253 for the extension or improvement of an existing private road; addition of a new lot, condominium unit, or parcel; or an existing commercial or industrial private road including shared access from a public road, then- The community development director may, upon request and for good cause shown, waive, approve alternate design, off-site improvements or modifications one or more of the design requirements or approve alternate design, off-site improvements or modifications. Such waiver or approval may only be granted if -where one or more of the following circumstances applies:
- (i1) The alternate location and/or modification of design requirements is comparable in scale and nature to the design requirement of Section 28-253. and one or more of the following circumstances apply
- (ii2) The alternate location and/or modifications in design requirements would better serve the intent and purposes of this article.
- (iii3) The alternate location and/or modifications in design requirements is/are desirable because steep slopes, existing infrastructure, character of the surrounding area, or other physical features or site constraints make construction in the required location highly impractical or unsafe.

(Ord. No. 2022-04, §§ 1, 2, 4-25-2022)

Sec. 28-254. Preliminary private road ~~permit approval~~ for a new or extended private road; Maintenance agreements.

- (a) No installation or construction of any kind shall begin on a new private road or extension of an existing private road or on any parcel which depends on such private road for access until a preliminary private road ~~permit approval~~ has been ~~issued granted~~ by the township. No private road easement or right-of-way or access easement shall be created until the township approves the private road and ~~issues agrants~~ preliminary private road ~~approval permit~~. ~~No land divisions shall be may be approved conditionally with the monetary security specified in sections 28-255 and 28-260 hereto, by the township which if a land division~~ involves the creation or extension (or proposes the creation or extension) of a new private road (or access easement) or the extension of an existing private road (or existing access easement), ~~the township may approve the land division conditioned on receipt of the monetary security specified in sections 28-255 and 28-260 and subject to until~~ the township ~~approves approving~~ the private road and ~~issues grantsgranting a~~ preliminary private road ~~approval permit~~.
- (b) The applicant for a private road permit shall submit an application to the director together with the required fee (as well as any escrow fees required) as determined from time-to-time by the township board. The application shall be signed by all of the then-owners of all the property underlying the proposed private road and private road easement as well as all parcels or lots to be served by the private road and private road easement. The application shall also include:
- (1) Two written copies of a site plan and construction plan for the proposed private road, showing all property within 150 feet of the private road right-of-way or easement, the proposed location of the road surface, the proposed division of land (and all resulting parcels), street grades, stormwater drainage, and other improvements, prepared by a registered engineer or land surveyor. The site plan shall also include the items specified in section of the zoning ordinance. The applicant shall also provide the township with digital copies of these items.
 - (2) An approved roadway permit from the Kent County Road Commission for access to a public street.
 - (3) The applicant and/or owner(s) of the proposed private road right-of-way or private road shall provide the director with a proposed recordable private road maintenance or restrictive covenant agreement ~~between the owner(s) of for~~ the private road right-of-way or easement ~~and any other parties having any interest therein or other documentation satisfactory to the township~~ that shall provide for and assure that the private road shall be regularly maintained, repaired, and snowplowed so as to assure that the private road is safe for travel at all times and the cost thereof paid for. The form, wording and language of any such agreement shall be approved by the township prior to the execution and recording of such document. The applicant agrees that, by filing an application for and receiving a permit under this article, they will assure that any building or parcels thereafter created or constructed on the private road shall also be subject to the road maintenance or restrictive covenant agreement and that said agreement shall be recorded and shall permanently run with the land.

The proposed maintenance agreement or restrictive covenant shall, at minimum indicate that the ~~applicant and/or owners of specified properties of all properties~~ benefited by the private road shall be jointly and severally liable and responsible for maintaining the entire length of the private road so that it is, at all times, in compliance with this article and all applicable township standards and requirements. The proposed maintenance agreement or restrictive covenant shall also provide that it is

enforceable by the township board at its option. Additionally, the agreement shall provide that, if the private road is not maintained to the requirements of this article, then all of the owners of ~~parcels or lots utilizing or benefited by the private road~~ the specified properties shall be deemed to have consented to a special assessment district being created by the township board to maintain, snowplow and upgrade the private road. Or, alternately, the township board, at its option, can improve and maintain the road so that it meets all of the requirements of this article; and the township board can charge the owners of all parcels or lots that utilize or are benefited by the private road for the reasonable costs thereof with such costs secured by either placing a lien on the benefited properties or by placing the costs on the property tax roll. No construction shall be commenced on a new private road (or the expansion or extension of a private road) until and unless the township has approved the private road and the private road maintenance or restrictive covenant agreement has been approved by the township, executed by all of the required property owners, and has been recorded with the Kent County Register of Deeds ~~records~~.

- (c) Following receipt of a private road application, the director shall refer to the application for review to the fire department, the township's engineer and other individuals or agencies deemed appropriate by the director. Review of the application shall be for the purpose of determining its conformance with applicable state and township regulations, the impact of the proposed development on adjacent lands, and whether the health, safety, and general welfare of persons using or affected by the private road will be adequately protected. Each agency or individual responsible for review shall submit a report to the director.
- (d) For a new private road ~~(or extension of an existing private road intended to serve)~~ serving five or more new lots or parcels over a ten years, the planning commission shall review and approve, approve with conditions, or disapprove the application following receipt of the application. If approval is granted, the director township shall issue a preliminary private road permit approval. If the application is not approved, the director shall set forth in writing the reasons for rejection and shall provide the applicant with a copy thereof. The planning commission shall consider all of the following standards when reviewing a private road application:
- (1) Whether the proposed private road and its use will not adversely affect the public health, safety, or welfare or impair natural resources such as wetlands, ponds, rivers, streams, farmlands, or lakes.
 - (2) Whether the construction and use of the private road will impede the normal and orderly development or improvement of surrounding properties for uses consistent with the zoning ordinance and other ordinances of Plainfield Charter Township.
 - (3) Whether the private road will provide for safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation, as well as provide reasonable and free ingress and egress for any and all parcels or lots which will utilize the private road.
 - (4) Whether the proposed private road is designed and will be located so as to accommodate and promote safe and efficient traffic operations within the site and at the intersection of the private road with the public road.
 - (5) Whether the general purposes and spirit of this article, the township's master plan, and the township's zoning ordinance will be maintained.
 - (6) Whether the location, design, and layout of the proposed private road (and parcels and lots which will utilize the private road) are consistent with sound and reasonable planning principles.
 - (7) Whether the private road will meet all of the requirements of this article and the zoning ordinance.
- (e) For a new private road or extension of an existing private road ~~(or extension of an existing private road)~~ serving four lots or parcels or fewer and extensions of existing private roads not subject to Section 28-254(d), the director shall perform the review and approval process for a private road specified herein and shall do so

in place of the planning commission. However, the director may transfer the decision-making process to the planning commission for decision on a particular case that is difficult, precedent setting or unusual.

- (f) Fees for the permits required hereunder shall be set by the township board, from time-to-time, by resolution. Additionally, the township board shall require that the applicant put sufficient funds in escrow to cover the costs of having the township attorney, engineer, planner, or other professional review the private road plans, specifications, and maintenance agreement (or restrictive covenant) and to do the necessary inspections. All costs associated with the private road shall be paid to the township prior to final approval being granted by the township, with the unused balance of the escrow account returned to the applicant upon final township approval.
- (g) No construction shall be commenced on a new private road or the extension of an existing private road until all of the following requirements are met:
- (1) A maintenance agreement or the equivalent has been approved by the township, the document has been executed by all parties to the document, and and the document has been both executed by all parties with any interest in the private road (and all of the lots or parcels to be served by the private road) and the document has been recorded with the Kent County Register of Deeds ~~records~~.
 - (2) A copy of the recorded and stamped maintenance agreement or the equivalent has been given by the applicant to the director.
 - (3) The planning commission (or the director where applicable) has approved the private road (or proposed extension of a private road) and ~~a~~ preliminary private road permit approval has been issued by the township.
 - (4) There has been full compliance with all applicable requirements specified by this article for the private road preconstruction phase.

(Ord. No. 2022-04, §§ 1, 2, 4-25-2022)

Sec. 28-255. Final private road permit for new private road.

Upon completion of construction of a new private road or the extension of an existing private road, the applicant shall submit to the director a completion certificate or similar documentation signed by a registered engineer or land surveyor certifying that the private road has been completed in full accordance with this article, the township approval, the approved site plan, the construction plan, and all township approvals thereof. The township's engineer shall review the completion certificate, inspect the completed road improvements and make a recommendation to the township and the applicant. The township's engineer may require core samples of the asphalt, gravel roadbed (where applicable), gravel subgrade and sand subbase to verify that the thicknesses are in accordance with the approved site plan and construction plan. The applicant shall correct any deficiencies identified by the township. Upon final review and approval of the completed road improvements by the township's engineer, the director shall issue a final private road permit. Building permits for construction on parcels served by a private road shall not be issued until the final private road permit has been issued or, if the township agrees at its option, the applicant for the building permit has provided the township with a cash deposit, certified check, surety bond or irrevocable bank letter of credit in a form (and with language) approved by the township and in an amount equal to 125 percent of the amount estimated by the township to be sufficient to ensure completion of construction of the private road in accordance with the approved site plan and construction plan within one year after the date of issuance of the building permit.

(Ord. No. 2022-04, §§ 1, 2, 4-25-2022)

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Sec. 28-256. Private road permit for existing private road.

- (a) No existing or other private road shall be extended (including to add a parcel, lot or condominium unit) or added onto unless all portions of the private road (including the existing portion or portions of the private road and all extensions or additions to the private road) fully comply with all of the procedures and design and construction standards of sections 28-253 and 28-254 hereof and approval by the planning commission (or the director where applicable) has occurred pursuant to section 28-254. Furthermore, no parcel, lot, or site condominium unit along an existing private road shall be divided, split, or altered to create an additional lot, parcel, or site condominium unit unless the entire length of the existing private road complies with all of the procedures and design and construction standards of sections 28-253 and 28-254 hereof and such proposed division, split, or alteration is approval by the planning commission (or the director where applicable).
- (b) The planning commission (or the director where applicable) may require property owners served by an existing private road to change their addresses from the public road name to the private road name where said properties are currently addressed with public road addresses.
- (c) For the alteration or extension of an existing private road, the planning commission (or the director where applicable) may require that a new maintenance agreement ~~be fully executed by all lot owners along for~~ the extended or altered ~~portion of the~~ private road ~~and~~ be ~~executed and~~ recorded as specified in section 28-254 hereof unless some or all of that requirement is waived pursuant to section ~~28-266 hereof~~.

(Ord. No. 2022-04, §§ 1, 2, 4-25-2022)

Sec. 28-257. Permits for building on private roads.

No building permit shall be issued for any principal building, dwelling, or structure the primary access to which is to be provided by a private road unless ~~a~~ preliminary private road ~~approval permit~~ has been ~~granted~~ ~~issued~~ by the township and unless the private road has either been physically completed in accordance with the approved permit (and a final private road permit has been issued) or the applicant(s) for the building permit or owner(s) of the private road right-of-way has provided the township with the monetary security specified in sections 28-255 and 28-260 hereof.

(Ord. No. 2022-04, §§ 1, 2, 4-25-2022)

Sec. 28-258. Maintenance and repairs.

- (a) All private roads shall be maintained at all times in a manner that complies with all of the provisions of this article.
- (b) All driveways and private roads shall be continuously maintained at all times in such a way that they will not constitute a danger to the health, safety, and welfare of the inhabitants of the township. All driveways and private roads shall be continuously maintained at all times in such a way that they are readily accessible to and usable by emergency vehicles in all types of weather.
- (c) All costs for the maintenance and repair of a private road shall be the responsibility of all of the property owners or any condominium association served by the private road; however, if a private road maintenance or restrictive covenant agreement has been approved, executed, and recorded pursuant to section 28-254(b)(3), then only the owners who executed that agreement, and any assigns or successors of such owners, are responsible for all costs for the maintenance and repair of the private road.

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- (d) The owners of the parcels or lots that utilize or are benefited by a private road shall be deemed to be jointly and severally liable and responsible for maintaining the entire length of the private road at all times to the standards of this article; however, if a private road maintenance or restrictive covenant agreement has been approved, executed, and recorded pursuant to section 28-254(b)(3), then only the owners who executed that agreement, and any assigns or successors of such owners, shall be deemed to be jointly and severally liable and responsible for maintaining the entire length of the private road at all times to the standards of this article.

(Ord. No. 2022-04, §§ 1, 2, 4-25-2022)

Sec. 28-259. Planned unit developments.

If a private road is proposed as part of a planned unit development (PUD) project pursuant to the zoning ordinance, the provisions of this article regarding private road standards may be modified for the PUD project by the township board at its sole discretion for good cause shown.

(Ord. No. 2022-04, §§ 1, 2, 4-25-2022)

Sec. 28-260. Performance guarantee.

- (a) The planning commission (or director where applicable) may, as a condition of the private road permit application approval process, require the applicant(s) to post a cash bond, a bank letter of credit, or other security with the township (and to the township's satisfaction) in order to ensure compliance with the requirements of this article.
- (b) The amount of the bond or security to be submitted to the township, if required, shall be equal to 125 percent of the total estimated cost for completing construction of the private road as approved by the planning commission (or director where applicable).
- (c) The bond, escrow, or unspent portions thereof will be returned to the applicant(s) by the township upon proof of completion of the private road to the standards required by this article.

(Ord. No. 2022-04, §§ 1, 2, 4-25-2022)

Sec. 28-261. Conflict with other ordinances.

To the extent that any other township ordinance(s) regulate the subject matter covered by this article, the ordinance(s) shall be construed together, if possible, and the remedies of the ordinances shall be cumulative. Where the provisions of any other ordinance conflict with the provisions of this article, this article shall prevail, and its terms shall control. If any part of this article conflicts with any other part, it shall be administratively appealed to the township zoning board of appeals for a final determination of intent. The remainder of this article shall remain in full force and effect.

(Ord. No. 2022-04, §§ 1, 2, 4-25-2022)

Sec. 28-262. Additional parcels.

No lot, condominium unit, or parcel of land shall be added to or along a private road and no existing lot, condominium unit, or parcel with frontage on a private road shall be split or divided unless approved by the planning commission (or the director as applicable) pursuant to section 28-254 hereof. ~~If additional lots or parcels are added to or along a private road or if a lot or parcel fronting on a private road is proposed to be split or~~

~~divided, then the entire length of the private road (that is, the total distance from the point where the private road intersects with the public street to the very end of the private road) shall be upgraded or improved so that all requirements of this article are fully complied with, based on the total number of lots, condominium units, or parcels of land which will be located on or use the private road.~~

(Ord. No. 2022-04, §§ 1, 2, 4-25-2022)

Sec. 28-263. All lots created shall utilize the private road.

Where a private road is proposed to serve fewer than all of the lots or parcels to be created out of a given lot or parcel, the planning commission (or the director as applicable) can require that all resulting lots and parcels utilize the private road so that no lots or parcels have a driveway or other access directly onto a public road apart from the approved private road.

(Ord. No. 2022-04, §§ 1, 2, 4-25-2022)

Sec. 28-264. Parcel size and configuration.

Pursuant to the approval of a private road, the planning commission (or the director as applicable) can require that proposed lot or parcel boundaries and sizes be altered (but not less than the minimum required by the zoning ordinance) if it is determined by the planning commission (or the director as applicable) that such alterations are required to meet the standards contained in this article.

(Ord. No. 2022-04, §§ 1, 2, 4-25-2022)

Sec. 28-265. Township non-liability.

The applicant (and its successors and assigns) for a private road permit agrees, by applying for and securing a private road permit, to indemnify and save and hold the township (and its officials, officers, agents, and employees) harmless for, from, and against any and all claims and causes of action for personal injury and/or property damage arising out of the use of the private road or relating to any failure to properly construct, maintain, repair or replace a private road. Such wording shall appear on the application for the private road permit (as well as in the private road maintenance agreement or restrictive covenant document) and be signed by the applicant. The maintenance, repair, and liability for private roads shall be the joint responsibility of all of the property owners having legal access to and use of the private road and shall not be the responsibility or liability of the township.

(Ord. No. 2022-04, §§ 1, 2, 4-25-2022)

Sec. 28-266. Appeals and varying requirements.

- (a) Interpretations/determinations. Any person aggrieved by a decision of the township regarding this article V shall have the right to appeal any decision, determination, action or interpretation within ten days as follows:
- (1) A decision or interpretation by the director may be appealed to the planning commission.
 - (2) A decision by the planning commission (other than a special land use decision pursuant to subsection (b) as follows) may be appealed to the township board.

Any such appeal shall be filed with the township in writing within ten days of the decision and shall state the reasons for the appeal and any documents in support thereof. The township shall establish a time for hearing the appeal, which shall be no later than 60 days after the filing of the appeal. Written

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notice of such hearing by first class mail shall be provided to the owners of all properties which depend (or may depend in the future) on the private road for access (including the appealing party) and all properties within 300 feet of such private road. Such notice shall be given not less than seven days prior to such hearing. The appeal decision by the relevant body hearing the appeal shall be set forth in writing and be delivered to the applicant following the hearing. The decision of the relevant body hearing the appeal shall be final.

No appeal or decision under this subsection (a) shall waive, vary or lessen any private road requirements of this article V.

- (b) Varying or waiving private road requirements. Where there are difficulties in carrying out the strict letter of this article V or where it is proposed to add parcels or lots to an existing lawful private road that does not meet all of the requirements of this article V, then the planning commission may vary one or more requirements of this article V for the proposed or existing private road using the same standards that are applicable for special land uses in section 29.03 of the zoning ordinance. The public hearing notice requirements shall be as specified in subsection (a), above. When the planning commission is deciding a request under this subsection (b), the planning commission shall exercise the same authority as it would pursuant to any special land use request under the zoning ordinance.

(Ord. No. 2022-04, §§ 1, 2, 4-25-2022)

Sec. 28-267. Penalties and enforcement.

Any person, firm, corporation, trust, partnership, or other entity which violates or refuses to comply with any provision of this article shall be responsible for a municipal civil infraction and subject to a fine plus any costs, damages, expenses, and other sanctions as authorized under chapter 87 of Act No. 236 of the Public Acts of 1961, as amended, and other applicable laws. Each day that a violation occurs or continues shall constitute a separate **offense and** shall make the violator liable for the imposition of a fine and other penalties for each day. The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided to the township by law or equity, including appropriate injunctive relief.

(Ord. No. 2022-04, §§ 1, 2, 4-25-2022)

Sec. 28-268. Miscellaneous.

- (a) Please see article VII for any applicable emergency vehicle driveway access requirements for certain driveways.
- (b) Please see section 3.27 of the zoning regulations regarding gates and walls involving private roads.
- (c) Other regulations regarding private roads are found in ~~for~~-site condominiums.

(Ord. No. 2022-04, §§ 1, 2, 4-25-2022)

Secs. 28-269—28-300. Reserved.

