

237.000 ROADS
Ord. No. 06-002
Adopted: March 20, 2006

An Ordinance to establish standards for the construction of roads within Atlas Township.

THE TOWNSHIP BOARD OF ATLAS TOWNSHIP, GENESEE COUNTY ORDAINS:

237.001 Required street frontage.

Sec. 1. Any parcel of land which is occupied by a use or building shall front its full width on, and provide direct access to, a public road or private road easement.

237.002 Building permits along roads.

Sec. 2. Except as permitted by section 4 [235.004] through section 6 [237.006] below, no building permits shall be issued for construction of any residence or other structure upon any lot or parcel of land which is not directly and exclusively accessible to and also abutting a public roadway which has been accepted by the Genesee County Road Commission or Michigan Department of Transportation and is maintained by such Road Commission or State Department as a public roadway. This shall not, however, prohibit the erection of additions and accessory buildings to existing dwellings already erected and in use on or before the effective date of this Ordinance. Any residence or structure which gives access to such public roadway across land not solely owned by the applicant for the building permit shall be deemed not to be abutting the public roadway within the meaning of this Ordinance.

237.003 Public road construction standards.

Sec. 3. Public roads shall be designed and constructed in accordance with the then current requirements of the Genesee County Road Commission or Michigan Department of Transportation, as may be applicable.

237.004 Private roads permitted.

Sec. 4. Private roads shall only be allowed as an applicant option for residential developments with the approval of the Planning Commission.

237.005 Private road construction standards.

Sec. 5. All private roads constructed after the effective date of this Ordinance shall be constructed in accordance with the following standards:

- (a) Except as provided below, all private roads shall be constructed in accordance with the then current requirements and specifications for proposed plats issued by the Genesee County Road Commission. Signatories of the easement maintenance agreement shall be responsible for verifying compliance with such construction standards, accomplished by inspection of the Township engineer.
- (b) All private road easements shall be 66 feet wide and shall be dedicated with the legal description recorded with the county register of deeds prior to final Township approval. Such easement area shall

be disregarded for purposes of computing minimum lot area. Parking within the easement area shall be prohibited.

- (c) A paved road surface area of 22 feet shall be provided with 16 feet of shoulder (eight feet each side). Drainage control measures (i.e., ditches, enclosed storm sewer, grading, geotextile stabilization, etc.) may be required by the Township engineer in consideration of narrow lot width, road grade, drainage patterns, or in favor of environmental preservation.
- (d) On dead-end streets, a circular turnaround shall be required. The radius for the paved area of a circular turnaround without a center island shall be 30 feet. Circular turnarounds with a center island shall provide a radius for the paved area of 45 feet and a travel lane width not less than 20 feet.

237.006 Maintenance agreement.

Sec. 6. Continued maintenance of private roads shall be the responsibility of the property owner(s) served by the roads. Private roads shall be maintained in a condition suitable for travel at the design speed, as determined by the Township engineer, and passable for emergency vehicles, as determined by the fire department. Prior to issuance of construction permits for road construction, said property owner(s) shall enter into a legally binding easement maintenance agreement, which shall be subject to review by the Township attorney, approval by the Township Board, and recording with the county register of deeds.

- (a) The easement maintenance agreement shall acknowledge that the road surface and easement area are privately owned and, therefore, all construction and improvements within the easement will be contracted and paid for by the signatories to the agreement.
- (b) The agreement shall describe the method by which maintenance costs (including snow removal) and costs of improvements will be apportioned among the original users.
- (c) The agreement shall describe the method for apportioning new users for a proportionate share of the maintenance costs and costs of improvements. The agreement shall indicate that the method of apportioning costs applies whether the new users are a result of:
 - (1) Extension of the private road or driveway beyond its initial length; or
 - (2) Connection to another private road; or
 - (3) Division of property that is currently served by the private road.
- (d) The agreement shall outline a maintenance schedule which shall also identify regular time intervals for road inspection. Such inspection shall be the responsibility of the signatories to the agreement and be accomplished by a civil engineer licensed in the State of Michigan. The results of the road inspection shall be submitted to the Township Board for its review. The Township may require maintenance as described above.
- (e) The easement maintenance agreement shall contain a provision to permit the Township Board to authorize the repair of any private road which is not being maintained adequately to permit safe access by users and emergency vehicles, and to assess the cost of such repair, including the costs of engineering and administration, to the signatories of the Agreement on an equitable basis. The decision to authorize repair of a private road shall be at the Township Board's sole discretion in accordance with its legislative powers and these provisions shall not obligate the Township Board to establish such special assessment.

237.007 Variances.

Sec. 7. The Atlas Township Zoning Board of Appeals is hereby empowered to grant variances to this Ordinance. No variance may be granted, however, which will cause the Township to undertake any additional duties or require any additional expenditure of tax monies on the servicing, alteration, repair, or construction of roads within the Township of Atlas.

(Amend. of 11-19-18)

237.008 Repeal.

Sec. 8. All prior ordinances inconsistent with or in conflict with this Ordinance are hereby repealed.

237.009 Effective date.

Sec. 9. This Ordinance shall take effect 30 days following its publication after adoption.