

# WEBSTER TOWNSHIP PRIVATE ROAD ORDINANCE

Ordinance No. 92-5 Rev. C

## Summary Table of Amendments

<b>Adoption Date</b>	<b>Affected Sections</b>	<b>Summary</b>
March 21, 2006	3 5.A Index	Revised definition of shared driveway. Added reference to Table 7. Added Table 7.
May 15, 2012	5.B	Clarified R.O.W. widths by deleting reference to 66 foot mandatory R.O.W. width.
March 18, 2014	6.A.9	Added requirements for security gates.
October 10, 2017	3	Revised definition of Township Engineer

**WEBSTER TOWNSHIP PRIVATE ROAD ORDINANCE**  
**92-5 REV. C: September 16, 2003**

*(REVISED 3-21-06)*  
*(REVISED 5-15-12)*  
*(REVISED 3-18-14)*  
*(REVISED 10-4-2017)*

**THE TOWNSHIP OF WEBSTER HEREBY ORDAINS:**

An ordinance under the provisions of Public Act 246 of 1945 as amended to regulate the construction, maintenance and use of private roads within Webster Township, the use thereof by traffic, the parking of vehicles thereon, the administration and enforcement thereof, fees to defray the administration and enforcement costs incident thereof, and to insure that residences and buildings within the Township of Webster may be accessible to police and fire protection, and for other purposes, as follows:

**SECTION 1. SHORT TITLE**

This ordinance is known as and may be cited as the Webster Township Private Road Ordinance.

**SECTION 2. INTENT**

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

**SECTION 3. DEFINITIONS**

- A. **Building** – an enclosed structure used or intended for use for the housing, enclosure or shelter of people, animals or chattels.
- B. **County Road Commission** – The Road Commission of Washtenaw County, Michigan.
- C. **Lot** – a parcel of land; real estate.
- D. **Private Road** – a route that provides vehicular access to a lot or lots and which has not been dedicated to public use.

- E. **Shared Drive** - is a means of ingress and egress for vehicles for no more than three (3) lots each intended to have one single-family dwelling.
- F. **Road Permit** – a right of way permit pursuant to this ordinance.
- G. **Township Board** – The Board of Webster Township.
- H. **Township Clerk** – The Clerk of Webster Township.
- I. **Township Engineer** – (Amended 10-4-2017) Any person, persons or firm authorized by the Township Board or Planning Commission, as applicable, to perform the duties of Township Engineer as set forth in this ordinance. The Township Engineer shall be a licensed professional Engineer, and may be a consultant or employee of the Township. The responsibilities of this position may be divided between more than one (1) person or firm.

**SECTION 4. GENERAL ACCESS AND PERMIT REQUIREMENTS**

- A. Every lot in Webster 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 ordinance and which has been approved by the Township Board, 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 shall be improved with a building subsequent to the date of adoption of this ordinance, unless a road permit in accordance with this ordinance has been issued.
- C. No person shall construct, alter, or extend a private road without compliance with this ordinance and obtaining a road permit as hereinafter provided.
- D. All lots, which have been improved with a building prior to the date of adoption of this ordinance, shall comply with the provisions of this ordinance 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.

**SECTION 5. PARCELS OF LAND EXCEPTED FROM ROAD ORDINANCE**

The provisions of this ordinance, except this section and Section 6B, herein, shall not apply where no more than three lots or parcels of real estate which are used, or intended to be used, for no more than three single-family dwelling units, do not adjoin a public road, provided:

- A. Said lots share a 66 foot wide right of way for ingress and egress to a public road; or a smaller right of way that complies with the required standards of Table 7 herein.
- 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 2,640 feet from the center line of said public street; and

- D. The right of way is recorded in the Office of the Register of Deeds of Washtenaw County.

## **SECTION 6. APPLICATION FOR ROAD PERMIT; REQUIREMENTS**

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

- A. For a lot not covered by Section 5, 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 the right of way area.
  - 2. A survey showing the outline of the proposed right of way and the dimensions and bearings thereof; existing topographic contours, at 2 foot intervals, of the right of way area and all adjacent land within 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 10 feet from the proposed right of way or within such greater area as may be necessary to determine whether drainage methods will be adequate; existing buildings within 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 by 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 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. (See Section 13 herein).
  - 5. A fee as established by resolution of the Township Board to defray the costs of inspections, plan review, administration and enforcement of this ordinance.
  - 6. The application shall be signed by the property owner 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.

7. A copy of any permits or applications for permits from the County Road Commission, County Drain Commission, State Department of Natural Resources, etc. as required by Section 8, herein.
8. A statement adopting the State Uniform Traffic Code.
9. If the application for a private road is to include a secured entrance, the following details and description of the security proposed must be provided:
  - a. Type of security – manned and/or unmanned.
  - b. Type of access controls – gates or arms.
  - c. Type of permissible lighting – mounting, height and brightness specifications.
  - d. Traffic patterns must be detailed illustrating road edges, width, stacking distance and escape routes.
  - e. Landscaping should also be detailed and specified such that it also conforms to the requirements of the Zoning Ordinance.
  - f. Written acknowledgement from emergency services that the access method provided for gate entry is acceptable
- B. For a lot subject to Section 5, herein, the owner of the lots shall apply to the Township Clerk for a road permit. The applicant shall furnish the Clerk a survey or sketch of the property showing its boundaries, the location of all existing improvements and the location of future buildings, the relationship of the lot to any public or private rights of way or roads, a copy of the recorded right of way. The dimensions and location of the right of way shall be specifically shown on the sketch or survey. The applicant shall also pay to the Clerk a fee to the said road permit as established by resolution of the Township Board. The Clerk shall transmit the application, including all drawings, to the Township Engineer for review and recommendation. The Clerk shall review the Township Engineer's report of the application and shall issue the road permit if the applicant has provided the information required herein and paid the required fee, and if the Township Engineer has reported that the application meets the criteria of Section 5, herein. The report shall be affixed to a copy of the sketch or survey submitted by the applicant. After issuance of a road permit and compliance with Section 9, herein, a certificate of completion shall be issued.

## **SECTION 7. ROAD PERMIT APPROVAL PROCEDURE**

- A. 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 Board may, in its discretion, refer the application to the Township Planning Commission or other appropriate body for review and comment.
- B. The Township Engineer shall report in writing to the Board as to whether or not the proposed right of way and roadway conform to the standards and specifications of this ordinance. Said report may include any suggested

conditions to be attached to the road permit, which, in the Township Engineer's judgment, are necessary to achieve the intent of this ordinance.

- C. The Township Board shall consider the application, the Township Engineer's report and all other relevant information in determining whether to approve the road permit. 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 approve the road permit. If the roadway will conform to the standards and specifications of this ordinance, the Township Board shall approve the road permit. The Township Board shall impose such conditions on the approval of the road permit, as it deems necessary to achieve the intent and objective 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 road permit.
- D. As a condition to approval of a road permit under this ordinance, the Township Board may 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 road permit, including the payment of required fees. Upon issuance of certificate of completion under Section 9 of this ordinance, any 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 Clerk shall issue the road permit pursuant to the terms established by the Township Board Resolution approving the road permit.
- F. Only the Township Board shall have the authority to approve or deny road permits. No other permit issued by any township official or other governmental body or official shall be a substitute for the road permit.

## **SECTION 8. SPECIFICATIONS FOR RIGHTS OF WAY AND ROADWAYS**

Each private road right of way and its roadway shall meet the following minimum requirements and specifications.

- A. The roadway surface and turnaround area shall be centered in the right of way.
- B. 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 permit issued by the Road Commission prior to approval of any road permit by the Township Board.
- C. 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.
- D. 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. Runoff water shall not be discharged onto the land of another property owner unless the water is following an established watercourse. Connection to the county drains shall be approved by the Washtenaw County Drain Commissioner prior to the issuance of the road permit. Connection to roadside ditches within public rights of way shall be approved by the County Road Commission prior to the issuance of a road permit.

- E. Road signs shall be erected and maintained in accordance with the Michigan Manual of Uniform Traffic Control Devices.
- F. The right of way shall provide for ingress, egress, drainage, and installation and maintenance of public and private utilities.
- G. Private roads shall also meet the minimum requirements and specifications as set forth in Tables 1 through 7 herein.

## **SECTION 9. 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 there from are made, the required improvements were made in accordance with this ordinance 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 cost 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 cost of the inspection. If the applicant does not directly pay the cost of inspection, the same 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 road 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 expiration of the one year or the longer period of time, the road permit shall be void and of no force and effect and all deposits shall be forfeited to Webster Township.

## **SECTION 11. RECORDING OF RIGHTS OF WAY**

A right of way, including all agreements as identified in Section 6A(4), herein, shall be recorded in the Office of the Register of Deeds for Washtenaw County prior to issuance of the certificate of completion required in Section 9, herein.

## **SECTION 12. ZONING CERTIFICATES**



No Preliminary Certificate of Zoning Compliance, as provided in the Webster Township Zoning Ordinance, shall be issued for any lot subject to the provisions of this ordinance unless a road permit has been issued by the Township Board.

No Final Certificate of Zoning Compliance, as provided by the Webster Township Zoning Ordinance, shall be issued for any building on a lot subject to the provisions of this ordinance unless a certificate of completion has been received by the Township Clerk, as provided in Section 9, herein. A Final Certificate of Zoning Compliance 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 13. MAINTENANCE OF PRIVATE ROADS**

Each private road shall be regularly maintained in a manner suitable for safe, convenient, and dependable ingress and egress for all properties served at all times, and shall at all times, be in a condition that meets the minimum standards of this ordinance. An application for a private road permit shall include a road maintenance agreement that will be applicable to each property served by that road. The Township Engineer shall not issue a certificate of completion until the road maintenance agreement has been approved by the Township Attorney. A road maintenance agreement shall provide, as a minimum, that each property served by the road shall be responsible for paying its share of maintenance and improvement costs of the road; the method of determining each property's share and of assessing such costs to each property; and the responsibility of each property served by the road to pay its share of any costs that might be involved in improving the private road to County Road Commission standards, in the event conversion to a public road is contemplated or required.

### **SECTION 14. VARIANCES**

Where 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, public safety secured and substantial justice done.

Any applicant may apply for a variance from any provision of the ordinance by filing an application for variance with the Township Clerk. The Township Board shall hold a public hearing upon such application within ninety (90) 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 newspaper of general circulation in the Township not later than seven (7) days prior to the hearing. Any party may appear and comment at the hearing in person or by agent or attorney. The Township Board shall keep a record of the hearing and shall render a written decision no later than the next regular Township Board Meeting held after the hearing date. The Township Board may attach

reasonable conditions in approving any variance from any provision of the ordinance, and the breach of any condition 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 nonconforming right of way and private roads to the standards of this 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 can be brought into conformity with the ordinance without unnecessary hardship or practical difficulty due to soil conditions, topographical considerations, or other factors.

**SECTION 15. VIOLATIONS**

Any person who violates any provision of this ordinance shall be guilty of a civil infraction and shall be subject to a fine not exceeding FIVE HUNDRED DOLLARS (\$500.00). Any access which is used in violation of this ordinance is hereby declared to be a nuisance per se, and such use may be abated, restrained, enjoined, and prohibited, upon commencement of an appropriate action in Circuit Court.

**SECTION 16. EFFECTIVE DATE**

This ordinance shall become effective thirty (30) days after its publication in a newspaper of general circulation throughout Webster Township.

**TABLE 1**  
**PRIVATE ROAD STANDARDS**

J. FUNCTION CLASS	ROADBED			PAVEMENT STRUCTURE		
	Pavement	Shoulder	Curb	Pavement	Base	Sub-Base
<b>GRAVEL</b> RURAL LOCAL & RESIDENTAL COLLECTOR	See Table 3	See Table 3	N/A	N/A	6"	6"
<b>ASHPHALT</b> RURAL LOCAL & RESIDENTAL COLLECTOR	See Table 3	See Table 3	N/A	3"	8"	6"

NOTES:

1. Underdrains shall be provided on all cross sections with curbs unless existing soils are free draining.
2. Sand subbase shall be MDOT Class II, compacted to 95% minimum.
3. Aggregate Base shall be MDOT 22A Gravel, 21A or 21AA Limestone, compacted to 98% minimum; natural aggregate base shall be primed with MS-0p or equivalent.
4. Concrete curb shall be MDOT Standard Detail D2 or F4. All gutter pan faces shall be bond coated prior to bituminous paving.
5. Concrete pavements shall include integral curbs. Pavement widths are back to back.
6. Bituminous Base shall be MDOT No. 700,20c.
7. Asphalt surface courses shall be applied as follows:

Leveling Course – 170#/syd, 1000L-20AA  
Wearing Course – 160#/syd, 1100L-20AA

All Bituminous paving courses shall be compacted to 97% minimum; Bond coats shall be SS-1H or equivalent.

8. Shoulders shall have the same base and sub-base as the roadbed.

**TABLE 2**

**PRIVATE ROAD STANDARDS**

<b>ROAD DETAIL</b>	<b>PRIVATE ROAD</b>		<b>GRAVEL ROADS</b>	
	<b>RIGHT OF WAY</b>	<b>ROADWAY SURFACE</b>	<b>RIGHT OF WAY</b>	<b>ROADWAY SURFACE</b>
<b>Turn Around Areas Turning Circle Radius</b>	<b>61 ft.</b>	<b>40 ft.</b>	<b>55 ft.</b>	<b>40 ft.</b>
<b><u>Ditches</u></b>			Ditches shall be of sufficient width, depth, and grades to provide adequate and positive drainage.	
Min. Grade	0.5%			
0.5% to 4%	Sod or otherwise stabilized			
4.1% and steeper	Rip-rap			
Front and Back Slopes	1 on 4			
<b><u>Roadway Grades</u></b>	0.5%		0.5%	
Minimum				
Maximum	Sod or otherwise stabilized		8.0%	
<b><u>Right of Way</u></b>	See Table 7		See Table 7	
<b><u>Roadway Curves</u></b>				
Horizontal (minimum)	See Table 4		See Table 4	
Vertical (Minimum)	See Table 6		See Table 6	

**TABLE 3**

**PRIVATE ROAD STANDARDS**

Minimum width of traveled way (FT) for specified design volume (Vehicles trips per day)

DESIGN SPEED (mph) (See Table 5)	UNDER 400	400 TO 1500	1500 TO 2000	OVER 2000
15	18	20	20	22
20	18	20	22	24
25	18	20	22	24
30	18	20	22	24
40	18	20	22	24
45	20	22	22	24
50	20	22	22	24
55	22	22	24	24
60	22	22	24	24
GRADED SHOULDER WIDTH, BOTH SIDES (FT)  ALL SPEEDS	2	4	6	8

Reference: Exhibit 5-5 “A policy on Geometric Design of Highways and Streets (2001)”,  
AASHTO

Notes:

1. The shoulder and pavement width shall be adjusted to accommodate on-street parking where provided.
2. Single family dwelling units shall be assumed to generate 10 vehicle trips per day.

**TABLE 4**

**PRIVATE ROAD STANDARDS**

**CENTERLINE RADIUS**

DESIGN SPEED (MPH)	CENTERLINE RADIUS (FT)	SUPERELEVATION (%)*
15	45	0
20	90	0
25	165	0
30	275	0*
35	390	0*
40	600	0*
45	670	4

Reference: Exhibit 3-40 “A Policy on Geometric Design of Highways and Streets (2001)”, AASHTO

- Superelevation may be increased to reduce the centerline radius in accordance with Exhibit 3-40.

**TABLE 5**

**PRIVATE ROAD STANDARDS**

**DESIGN SPEED (MPH)**

	LEVEL TERRAIN	ROLLING TERRAIN
LOCAL STREET	20	20
RESIDENTIAL COLLECTOR	30	25-30

**TABLE 6**

**PRIVATE ROAD STANDARDS**

DESIGN SPEED SEE TABLE 5	STOPPING SITE DISTANCE (FT) See note 1	K CREST CURVES See note 2	K SAG CURVES See note 2
15	18	20	20
20	18	20	22
25	18	20	22
30	18	20	22
40	18	20	22
45	20	22	22

Reference: Exhibit 3-1, 3-76 and 3-79 “A Policy on Geometric Design of Highways and Streets (2001)”, AASHTO

NOTES:

1. Measured from driver eye height of 3.5 ft and object height of 2 ft.
2. Rate of vertical curvature K is the length of curve per percent of algebraic difference between intersecting grades.

**TABLE 7**

**PRIVATE ROAD STANDARDS**

**RIGHT OF WAY WIDTH FOR PRIVATE ROAD AND/OR SHARED DRIVE**

	Average Traffic Volume	Width of Private Road and/or Shared Drive
PRIVATE ROAD	LESS THAN 400 trips/day	40* ft.
PRIVATE ROAD	400 TO 1500 trips/day	50* ft.
PRIVATE ROAD	GREATER THAN 1500 trips/day	66 ft.

\* Widths smaller than 66 ft may be used when future connection to the County Road system is unlikely to occur and/or narrower width can be justified to the satisfaction of the Township Board.