

ORDINANCE NO. _____

PRIVATE ROAD ORDINANCE

AN ORDINANCE TO PROVIDE REGULATIONS FOR PRIVATE ROADS IN ROBINSON TOWNSHIP, OTTAWA COUNTY, MICHIGAN; TO PRESCRIBE PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; AND TO PROVIDE FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

THE TOWNSHIP OF ROBINSON, COUNTY OF OTTAWA, AND STATE OF MICHIGAN ORDAINS:

Section 1. Purpose. The purpose of this Ordinance is to promote safe access to property within the Township.

Section 2. Definitions. The following words, terms and phrases shall have the meanings stated below.

- A. “Indirect means” is the method of connecting a private road and a public street which do not intersect directly with each other.
- B. “Length” of a private road shall be measured along its centerline.
- C. “Maintaining” a private road includes but is not limited to snow removal, tree trimming, tree removal, and reconstruction as necessary to comply with this Ordinance.
- D. “Private road” means a “private road” as defined in the Zoning Ordinance.
- E. “Public street” means a “street” as defined in the Zoning Ordinance.
- F. “Township” means Robinson Township, Ottawa County, Michigan.
- G. “Zoning Ordinance” means the Robinson Township Zoning Ordinance, as amended or restated from time to time.

Section 3. Maximum Length. The maximum length of any private road (or any portion of a private road) is 1,000 feet, unless the private road (or the portion of a private road) has at least two points of intersection with one or more public streets. See Diagram One. If the two points intersect the same public street, they must be separated by at least 250 linear feet along that public street. See Diagram Two. Each point of intersection must also be separated by at least 250 linear feet from any second public street. See Diagram Three.

Section 4. Appeal to Township Board. If a private road has only one point of intersection with a public street, the private road may not exceed 1,000 feet in length unless an exception to Section 3 is granted by the Township Board. In considering whether or not to grant an exception, the Township Board shall consider at least the following factors:

- A. The availability of a second point of intersection with a public street;
- B. The availability of an indirect means for the private road to intersect with a public street;
- C. The adequacy of any indirect means to accommodate emergency vehicles;
- D. The means of maintaining the adequacy of any indirect means to accommodate emergency vehicles;
- E. The recommendations of the Township's zoning department, building department and fire department concerning the exception application.

Section 5. Compliance with Zoning Ordinance. All private roads must meet the requirements of the Zoning Ordinance. Neither this Ordinance nor the Zoning Ordinance preempt each other; rather, the requirements of this Ordinance and of the Zoning Ordinance are cumulative. No building permit shall be issued by the Township for any building or structure accessed by a private road unless the private road is in compliance with this Ordinance and the Zoning Ordinance.

Section 6. Penalty. Any person who shall violate this Ordinance or attempt to violate this Ordinance shall be responsible for a municipal civil infraction, subject to enforcement procedures as set forth in the municipal civil infraction ordinance adopted by the Township, and subject to a fine of \$50.00, plus costs and other sanctions, for each infraction. Each day during which any violation continues after due notice has been served shall be deemed a separate and distinct offense. Increased civil fines may be imposed for repeat violations; a repeat violation means a second or subsequent municipal civil infraction violation committed by a person within any 12 month period and for which a person admits responsibility or is determined to be responsible. An increased civil fine for repeat violations shall be as follows:

- (1) The fine for any offense which is a first repeat offense shall be \$250.00, plus costs and other sanctions;
- (2) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be \$500.00, plus costs and other sanctions.

The Township Fire Chief, Township Zoning Administrator, members of the Ottawa County Sheriff's Department assigned to the Township, members of any law enforcement agency whose services are contracted for by the Township, and any other individuals who may from time to time be appointed by resolution of the Township Board or otherwise authorized by law, are

hereby designated as the authorized Township Officials to issue municipal civil infraction citations (directing alleged violators to appear in Court) or municipal civil infractions notices (directing alleged violators to appear at the Robinson Township Municipal Ordinance Violations Bureau).

Section 7. Severability. This Ordinance and its various parts, sections, subsections, sentences, phrases and clauses are declared to be severable. If any part, section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected. The captions included at the beginning of each Section are for convenience only and shall not be considered a part of this Ordinance.

Section 8. Administrative Liability. No Township officer, agent, employee or member of the Township Board shall be personally liable for any damage which may occur to any person or entity as a result of any act or decision performed in the discharge of duties and responsibilities pursuant to this Ordinance.

Section 9. Repeal. All ordinances, parts of ordinances or amendments to ordinances, any of which are in conflict with the provisions of this Ordinance, are repealed to the extent of such conflict.

Section 10. Effective Date. This Ordinance was approved and adopted by the Township Board of Robinson, Ottawa County, Michigan on _____, 1999, and it is ordered to take effect on the 31st day after publication in the *Grand Haven Tribune*, a newspaper having general circulation in the Township, pursuant to the provisions of Act No. 191 of the Public Acts of 1939, as amended.

Raymond Masko
Township Supervisor

Jackie Frye
Township Clerk

6381.59

CERTIFICATE

I, Jackie Frye, the Clerk for the Township of Robinson, Ottawa County, Michigan, do hereby certify that the foregoing Robinson Township Private Road Ordinance was adopted at a regular meeting of the Township Board held on _____, 1999. The following members of the Township Board were present at that meeting: _____

. The following members of the Township Board were absent: _____

_____. The Ordinance was adopted by the Township Board with members of the Board _____

_____ voting in favor and members of the Board _____

_____ voting in opposition. The Ordinance was published in the *Grand Haven Tribune* on _____, 1999.

Jackie Frye, Clerk
Robinson Township

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