

Chapter 30

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES*

* **Cross References:** Any ordinance levying or imposing any special assessment saved from repeal, § 1-11(9); any ordinance dedicating, establishing, naming, locating, relocating, opening, paving, widening, repairing or vacating any street, sidewalk or alley saved from repeal, § 1-11(10); any ordinance establishing the grade of any street or sidewalk saved from repeal, § 1-11(11); buildings and building regulations, ch. 10; hawkers, peddlers, solicitors, carnivals, circuses, fairs, freak shows and tent shows, § 18-31 et; subdivisions and other divisions of land, ch. 34; traffic and vehicles, ch. 38; utilities, ch. 42; zoning, ch. 46.

State Law References: General authority relative to streets and sidewalks, MCL 42.16, 42.1, 41.271 et seq.

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ARTICLE I.

IN GENERAL

Sec. 30-1. Protection of road ditches.

Builders, developers and/or owners of any residential, commercial, or industrial property shall be required to preserve the road ditch along the road right-of-way, and tubes shall be installed along all driveways and entranceways where required by the road commission and the Michigan Department of State Highways, where applicable.

(Ord. No. 45, § 2.02)

Secs. 30-2--30-30. Reserved.

ARTICLE II.

CONDUCT IN PARKS AND OTHER PUBLIC PROPERTY*

* **State Law References:** General authority relative to parks and public places, MCL 42.16, 42.1, 41.421 et seq.

Sec. 30-31. Jurisdiction.

This article shall extend to and include all public parks and playgrounds and any other township property owned by or under the jurisdiction of the township or any board, commission, or department thereof.

(Ord. No. 42, § 3.02)

Sec. 30-32. Obstructing walks or drives; damaging or removing property.

No person shall obstruct any walk or drive in any public park or playground, or other township property, nor shall any person damage, deface, destroy, move or carry away any sign, structure, building, playground equipment, tool, device, tree, shrub, flower or other public property located therein or used in connection therewith.

(Ord. No. 42, § 2.01)

State Law References: Malicious mischief, MCL 750.377a et seq.

Sec. 30-33. Intoxicating liquors.

(a) No person shall consume alcoholic liquor or offer alcoholic liquor to another person in any public building or public park, except in conformance with the provisions of this section.

(b) No person shall drink or have in his possession any intoxicating liquor, beer, or wine in any public park or playground or other township property except with specific written permission from the superintendent, as the guidelines established by the parks commission so dictate.

(Ord. No. 42, §§ 2.02, 2.08(4))

State Law References: Possession or consumption of alcohol by underage persons, MCL 436.1703.

Sec. 30-34. Rubbish and other waste.

No person shall throw, place, deposit or leave any garbage, rubbish, glass, cans, containers, paper or other waste in any public park or playground or other township property except in containers provided by the township for that purpose. No person shall bring into any park or playground any rubbish or other household materials and dispose of them in township disposal containers.

(Ord. No. 42, § 2.03)

State Law References: Littering, MCL 324.8901 et seq.

Sec. 30-35. Fires.

No person shall build any fire in any public park, playground, or other township property except with specific written permission from the superintendent, in fireplaces or other spaces set apart and designated for that purpose. The superintendent shall grant such permission upon a showing that public health and safety will not be endangered.

(Ord. No. 42, § 2.04)

Cross References: Fire prevention and protection, ch. 14.

Sec. 30-36. Improper conduct.

No person shall jostle or crowd another in any public park, playground, or other township property nor shall any person throw any ball or other object in such a manner as to annoy or endanger other persons in or on any park, nor shall any person engage in any violent or rough play therein.

(Ord. No. 42, § 2.05)

Sec. 30-37. Use of picnic tables.

Picnic tables in public parks are for the purpose of furnishing eating facilities to the public, and no person shall retain the use of any table for an unreasonable length of time or in any case after such person and/or his party shall have completed their meal, except with specific written permission from the superintendent as it relates to a group function where a picnic shelter has been previously reserved.

(Ord. No. 42, § 2.06)

Sec. 30-38. Vehicles and traffic.

(a) The term "vehicles," as used in this section, includes both vehicles and trailers of any kind or description, including all types of amphibious vehicles, tractors, bulldozers, whether operating on tracks, wheels, or air, and any and all other types of vehicles or trailers, it being the intention that the provisions of this section, when referring to vehicles, shall include anything that may be utilizing the streets or recreation areas of the park, whether it is self-propelled or drawn by another vehicle, and shall include toboggans, sleds and sleighs, motorbikes and snowmobiles.

(b) The parks commission shall have authority to establish and post maximum rates of speed for vehicles using streets and drives or any other portion of the park in any public park or playground or any other township property, and no person shall drive any vehicle at a speed greater than that established and posted by the commission. All vehicles shall be parked at such places and in such manner as may be determined by the commission and indicated by signs and limit lines and no person shall park any vehicle at any place where parking is prohibited by signs posted by the commission. No horses, motorbikes or snowmobiles shall be ridden within the township parks except on precise marked trails designated by the parks commission.

(Ord. No. 42, § 2.07)

Cross References: Traffic and vehicles, ch. 38.

Sec. 30-39. Disorderly persons.

No person shall be a disorderly person as defined by section 167 of Public Act No. 328 of 1931 (MCL 750.167).

(Ord. No. 42, § 2.08(1))

Sec. 30-40. Causing disturbance.

No person shall cause any disturbance, contention, or excessive noise in any public building, grounds or park, or other public meeting where citizens are peaceably and lawfully assembled.

(Ord. No. 42, § 2.08(2))

State Law References: Disturbing lawful meetings, MCL 750.170.

Sec. 30-41. Disturbing religious assembly.

No person shall annoy, interrupt or disturb any assembly for religious worship.

(Ord. No. 42, § 2.08(3))

State Law References: Disturbing religious worship, MCL 750.169.

Sec. 30-42. Discarding glass containers or broken glass.

No person shall discard, other than in a proper container, any glass bottle or jar or broken glass in any public park.

(Ord. No. 42, § 2.08(5))

State Law References: Littering, MCL 324.8901 et seq.

Sec. 30-43. Overnight camping and/or parking in public places.

No person shall camp or park over night in any public park or public playground or on other township

property or other property open to the public. Camping shall mean the establishment of temporary living quarters for recreational, camping or travel use or by means of a tent, which shall mean a collapsible shelter of canvas or other fabric stretched or sustained by poles and used for camping outdoors.

(Ord. of 5-3-2004)

Secs. 30-44--30-70. Reserved.

ARTICLE III.

RIGHT-OF-WAY USE BY TELECOMMUNICATIONS PROVIDERS

Sec. 30-71. 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. All other terms used in this article shall have the same meaning as defined or as provided in the Act, including without limitation the following:

Act means the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (MCL 484.3101 et seq.).

Authority means the Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority created pursuant to section 3 of the Act (MCL 484.3103).

MPSC means the state public service commission in the department of consumer and industry services, and shall have the same meaning as the term "commission" in the Act.

Permit means a nonexclusive permit issued pursuant to the Act and this article to a telecommunications provider to use the public rights-of-way in the township for its telecommunications facilities.

Public right-of-way means the area on, below, or above a public roadway, highway, street, alley, easement or waterway. The term public right-of-way does not include a federal, state or private right-of-way.

Telecommunications facilities and *facilities* mean the equipment or personal property, such as copper and fiber cables, lines, wires, switches, conduits, pipes, and sheaths, which are used to or can generate, receive, transmit, carry, amplify, or provide telecommunication services or signals. Telecommunication facilities do not include antennas, supporting structures for antennas, equipment shelters or houses, and any ancillary equipment and miscellaneous hardware used to provide federally licensed commercial mobile service as defined in section 332(d) of Part I of Title III of the communications act of 1934, chapter 652, 48 Stat. 1064, 47 USC 332 and further defined as commercial mobile radio service in 47 CFR 20.3, and service provided by any wireless, two-way communication device.

Telecommunications provider, provider and *telecommunications services* means those terms as defined in section 102 of the Michigan Telecommunications Act (MCL 484.2102). The term telecommunications provider does not include a person or an affiliate of that person when providing a federally licensed commercial mobile radio service as defined in section 332(d) of part I of the communications act of 1934, chapter 652, 48

Stat. 1064, 47 USC 332 and further defined as commercial mobile radio service in 47 CFR 20.3, or service provided by any wireless, two-way communication device. For the purpose of the Act and this article only, a provider also includes all of the following:

- (1) A cable television operator that provides a telecommunications service.
- (2) Except as otherwise provided by the Act, a person who owns telecommunication facilities located within a public right-of-way.
- (3) A person providing broadband internet transport access service.

Township board means the St. Joseph Charter Township Board or its designee. This definition does not authorize delegation of any decision or function that is required by law to be made by the township.
(Ord. No. 52, § 3, 10-7-2002)

Sec. 30-72. Purpose of article.

The purposes of this article are to regulate access to and ongoing use of public rights-of-way by telecommunications providers for their telecommunications facilities while protecting the public health, safety and welfare and exercising reasonable control of the public rights-of-way in compliance with the Act and other applicable law, and to ensure that the township qualifies for distributions under the Act by modifying the fees charged to providers and complying with the Act.
(Ord. No. 52, § 1, 10-7-2002)

Sec. 30-73. Conflict.

Nothing in this article shall be construed in such a manner as to conflict with the Act or other applicable law.
(Ord. No. 52, § 2, 10-7-2002)

Sec. 30-74. Reservation of police powers.

Pursuant to section 15(2) of the Act (MCL 484.3115(2)), this article shall not limit the township's right to review and approve a telecommunication provider's access to and ongoing use of a public right-of-way or limit the township's authority to ensure and protect the health, safety, and welfare of the public.
(Ord. No. 52, § 18, 10-7-2002)

Sec. 30-75. Authorized township officials.

The township manager or his designee is hereby designated as the authorized township official to issue municipal civil infraction citations directing alleged violators to appear in court or municipal civil infraction violation notices directing alleged violators to appear at the municipal ordinance violations bureau for violations under this article as provided by the township Code.
(Ord. No. 52, § 20, 10-7-2002)

Sec. 30-76. Municipal civil infraction.

A person who violates any provision of this article or the terms or conditions of a permit is responsible for a municipal civil infraction and shall be subject to a fine of \$100.00 plus costs. Nothing in this section shall be construed to limit the remedies available to the township in the event of a violation by a person of this article or a permit.
(Ord. No. 52, § 21, 10-7-2002)

Sec. 30-77. Compliance.

The township hereby declares that its policy and intent in adopting the ordinance from which this article is derived is to fully comply with the requirements of the Act, and the provisions hereof should be construed in such a manner as to achieve that purpose. The township shall comply in all respects with the requirements of the Act, including but not limited to the following:

- (1) Exempting certain route maps from the Freedom of Information Act (MCL 15.231 et seq.) as provided in subsection 30-78(c).
- (2) Allowing certain previously issued permits to satisfy the permit requirements of this article in accordance with subsection 30-78(f).
- (3) Allowing existing providers additional time in which to submit an application for a permit, and excusing such providers from the \$500.00 application fee, in accordance with subsection 30-78(g).
- (4) Approving or denying an application for a permit within 45 days from the date a telecommunications provider files an application for a permit for access to and usage of a public right-of-way within the township, in accordance with subsection 30-79(a).
- (5) Notifying the MPSC when the township has granted or denied a permit, in accordance with subsection 30-79(a).
- (6) Not unreasonably denying an application for a permit, in accordance with subsection 30-79(a).
- (7) Issuing a permit in the form approved by the MPSC, with or without additional or different permit terms, as provided in subsection 30-79(b).
- (8) Limiting the conditions imposed on the issuance of a permit to the telecommunications provider's access and usage of the public right-of-way, in accordance with subsection 30-79(c).
- (9) Not requiring a bond of a telecommunications provider which exceeds the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunication provider's access and use, in accordance with subsection 30-79(d).
- (10) Not charging any telecommunications providers any additional fees for construction permits, in accordance with section 30-80.

- (11) Providing each telecommunications provider affected by the township's right-of-way fees with a copy of this article, in accordance with section 30-85.
- (12) Submitting an annual report to the authority, in accordance with section 30-88; and
- (13) Not holding a cable television operator in default for a failure to pay certain franchise fees, in accordance with section 30-89.

(Ord. No. 52, § 17, 10-7-2002)

Sec. 30-78. Permit required.

(a) *Permit required.* Except as otherwise provided in the Act, a telecommunications provider using or seeking to use public rights-of-way in the township for its telecommunications facilities shall apply for and obtain a permit pursuant to this article.

(b) *Application.* Telecommunications providers shall apply for a permit on an application form approved by the MPSC in accordance with section 6(1) of the Act (MCL 484.3106(1)). A telecommunications provider shall file one copy of the application with the township manager and one copy with the township attorney. Upon receipt, the township manager shall make copies of the application and distribute a copy to each member of the board of trustees, the assessor and the accountant. Applications shall be complete and include all information required by the Act, including without limitation a route map showing the location of the provider's existing and proposed facilities in accordance with section 6(5) of the Act (MCL 484.3106(5) et seq.).

(c) *Confidential information.* If a telecommunications provider claims that any portion of the route maps submitted by it as part of its application contain trade secret, proprietary, or confidential information, which is exempt from the Freedom of Information Act (MCL 15.231 et seq.) pursuant to section 6(5) of the Act (MCL 484.3106(5)), the telecommunications provider shall prominently so indicate on the face of each map.

(d) *Application fee.* Except as otherwise provided by the Act, the application shall be accompanied by a one-time nonrefundable application fee in the amount of \$500.00.

(e) *Additional information.* The township manager may request an applicant to submit such additional information which the township manager deems reasonably necessary or relevant. The applicant shall comply with all such requests in compliance with reasonable deadlines for such additional information established by the township manager. If the township and the applicant cannot agree on the requirement of additional information requested by the township, the township or the applicant shall notify the MPSC as provided in section 6(2) of the Act (MCL 484.3106(2)).

(f) *Previously issued permits.* Pursuant to section 5(1) of the Act (MCL 484.3105(1)), authorizations or permits previously issued by the township under section 251 of the Michigan Telecommunications Act, (MCL 484.2251) and authorizations or permits issued by the township to telecommunications providers prior to the 1995 enactment of section 251 of the Michigan Telecommunications Act (MCL 484.2251) but after 1985 shall satisfy the permit requirements of this article.

(g) *Existing providers.* Pursuant to section 5(3) of the Act (MCL 484.3105(3)), within 180 days from November 1, 2002, the effective date of the Act, a telecommunications provider with facilities located in a

public right-of-way in the township as of such date, that has not previously obtained authorization or a permit under section 251 of the Michigan Telecommunications Act (MCL 424.2251), shall submit to the township an application for a permit in accordance with the requirements of this article. Pursuant to section 5(3) of the Act (MCL 484.3105(3)), a telecommunications provider submitting an application under this subsection is not required to pay the \$500.00 application fee required under subsection (d) of this section. A provider under this subsection shall be given up to an additional 180 days to submit the permit application if allowed by the authority, as provided in section 5(4) of the Act (MCL 484.3105(4)).
(Ord. No. 52, § 4, 10-7-2002)

Sec. 30-79. Issuance of permit.

(a) *Approval or denial.* The authority to approve or deny an application for a permit is hereby delegated to the township manager. Pursuant to section 15(3) of the Act (MCL 484.3115(3)), the township manager shall approve or deny an application for a permit within 45 days from the date a telecommunications provider files an application for a permit under subsection 30-78(b) of this article for access to a public right-of-way within the township. Pursuant to section 6(6) of the Act (MCL 484.3106(6)), the township manager shall notify the MPSC when the township manager has granted or denied a permit, including information regarding the date on which the application was filed and the date on which the permit was granted or denied. The township manager shall not unreasonably deny an application for a permit.

(b) *Form of permit.* If an application for permit is approved, the township manager shall issue the permit in the form approved by the MPSC, with or without additional or different permit terms, in accordance with sections 6(1), 6(2) and 15 of the Act (MCL 484.3106(1), 484.3106(2), and 484.3115 et seq.).

(c) *Conditions.* Pursuant to section 15(4) of the Act (MCL 484.3115(4)), the township manager may impose conditions on the issuance of a permit, which conditions shall be limited to the telecommunications provider's access and usage of the public right-of-way.

(d) *Bond requirement.* Pursuant to section 15(3) of the Act (MCL 484.3115(3)), and without limitations on subsection (c) of this section, the township may require that a bond be posted by the telecommunications provider as a condition of the permit. If a bond is required, it shall not exceed the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunications provider's access and use.
(Ord. No. 52, § 5, 10-7-2002)

Sec. 30-80. Construction or engineering permit.

A telecommunications provider shall not commence construction upon, over, across, or under the public rights-of-way in the township without first obtaining a construction or engineering permit as required under this Code, as amended, for construction within the public rights-of-way. No fee shall be charged for such a construction or engineering permit from the township.
(Ord. No. 52, § 6, 10-7-2002)

Sec. 30-81. Conduit or utility poles.

Pursuant to section 4(3) of the Act (MCL 484.3104(3)), obtaining a permit or paying the fees required

under the Act or under this article does not give a telecommunications provider a right to use conduit or utility poles.

(Ord. No. 52, § 7, 10-7-2002)

Sec. 30-82. Route maps.

Pursuant to section 6(7) of the Act (MCL 484.3106(7)), a telecommunications provider shall, within 90 days after the substantial completion of construction of new telecommunications facilities in the township submit route maps showing the location of the telecommunications facilities to both the MPSC and to the township. The route maps should be in paper format unless and until the commission determines otherwise, in accordance with section 6(8) of the Act (MCL 484.3106(8)).

(Ord. No. 52, § 8, 10-7-2002)

Sec. 30-83. Repair of damage.

Pursuant to section 15(5) of the Act (MCL 484.3115(5)), a telecommunications provider undertaking an excavation or construction or installing telecommunications facilities within a public right-of-way or temporarily obstructing a public right-of-way in the township, as authorized by a permit, shall promptly repair all damage done to the street surface and all installations under, over, below, or within the public right-of-way and shall promptly restore the public right-of-way to its preexisting condition.

(Ord. No. 52, § 9, 10-7-2002)

Sec. 30-84. Establishment and payment of maintenance fee.

In addition to the nonrefundable application fee paid to the township set forth in subsection 30-78(d), a telecommunications provider with telecommunications facilities in the township public right-of-way shall pay an annual maintenance fee to the authority pursuant to section 8 of the Act (MCL 484.3108)).

(Ord. No. 52, § 10, 10-7-2002)

Sec. 30-85. Modifying existing fees.

In compliance with the requirements of section 13(1) of the Act (MCL 484.3113(1)), the township hereby modifies, to the extent necessary, any fees charged to telecommunications providers after November 1, 2002, the effective date of the Act, relating to access and usage of the public rights-of-way, to an amount not exceeding the amounts of fees and charges required under the Act, which shall be paid to the authority. In compliance with the requirements of section 13(4) of the Act (MCL 484.3113(4)), the township also hereby approves modification of the fees of providers with telecommunication facilities in public rights-of-way within the township's boundaries, so that those providers pay only those fees required under section 8 of the Act (MCL 484.3108). The township shall provide each telecommunications provider affected by the fee with a copy of this article, in compliance with the requirement of section 13(4) of the Act (MCL 484.3113(4)). To the extent any fees are charged telecommunications providers in excess of the amounts permitted under the Act, or which are otherwise inconsistent with the Act, such imposition is hereby declared to be contrary to the township's policy and intent, and upon application by a provider or discovery by the township, shall be promptly refunded as having been charged in error.

(Ord. No. 52, § 11, 10-7-2002)

Sec. 30-86. Savings clause.

Pursuant to section 13(5) of the Act (MCL 484.3113(5)), if section 8 of the Act (MCL 484.3108), is found to be invalid or unconstitutional, the modification of fees under section 30-85 shall be void from the date the modification was made.
(Ord. No. 52, § 12, 10-7-2002)

Sec. 30-87. Use of funds.

Pursuant to section 9(4) of the Act (MCL 484.3109(4)), all amounts received by the township from the authority shall be used by the township solely for rights-of-way related purposes. In conformance with that requirement, all funds received by the township from the authority shall be deposited into the major street fund and/or the local street fund maintained by the township under Public Act No. 51 of 1951.
(Ord. No. 52, § 13, 10-7-2002)

Sec. 30-88. Annual report.

Pursuant to section 10(5) of the Act (MCL 484.3110(5)), the township manager shall file an annual report with the authority on the use and disposition of finds annually distributed by the authority.
(Ord. No. 52, § 14, 10-7-2002)

Sec. 30-89. Cable television operators.

Pursuant to section 13(6) of the Act (MCL 484.3113(6)), the township shall not hold a cable television operator in default or seek any remedy for its failure to satisfy an obligation, if any, to pay after November 1, 2002, the effective date of this Act, a franchise fee or similar fee on that portion of gross revenues from charges the cable operator received for cable modem services provided through broadband internet transport access services.
(Ord. No. 52, § 15, 10-7-2002)

Sec. 30-90. Existing rights.

Pursuant to section 4(2) of the Act (MCL 484.3104(2)), except as expressly provided in this article with respect to fees, this article shall not affect any existing rights that a telecommunications provider or the township may have under a permit issued by the township or under a contract between the township and a telecommunications provider related to the use of the public rights-of-way.
(Ord. No. 52, § 16, 10-7-2002)

Secs. 30-91--30-110. Reserved.

ARTICLE IV.

PRIVATE ROADS

DIVISION 1.

GENERALLY

Sec. 30-111. 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:

County road commission means the board of county road commissioners for the county.

Private road means a privately owned and maintained road which has not been accepted by the public for ownership and maintenance, which person, in addition to the owners of the property underlying such road, have a lawful right to use for ingress and egress, whether as invitees, by common custom, or otherwise. This definition does not include a private driveway which services one one-family or one two-family residence.

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

Structure means the same as the definition contained in ch. 46 of this Code.

(Ord. No. 43, § 2.01, 5-20-2002)

Cross References: Definitions generally, § 1-2.

Sec. 30-112. Compliance.

No person shall construct a private road within the township except in accordance with the standards and authorizations as set forth in this article.

(Ord. No. 43, § 3.01, 5-20-2002)

Sec. 30-113. Conveyance of interest in land abutting private road.

No person shall sell or convey an interest in any lot, including by purchase agreement, in a recorded plat or any parcel of unplatted land in an unincorporated area if it abuts a street or road which has not been accepted as public, or such street or road abuts a private road as defined in section 30-111, unless the seller first informs the purchaser in writing on a separate instrument to be attached to the instrument conveying any interest in such lot or parcel of land of the fact that the street or road is private and is not required to be maintained by the board of county road commissioners. In addition, any contract or agreement of sale entered into in violation of this section shall be voidable at the option of the purchaser. See section 261 of the Land Division Act, Public Act No. 288 of 1967 (MCL 560.261).

(Ord. No. 43, § 4.01, 5-20-2002)

Sec. 30-114. Permits.

(a) No private road construction shall commence until a permit has been issued on forms provided for that purpose by the township building inspector.

(1) A soil erosion permit must be obtained from the county drain commissioner before final approval can be made and a permit issued for construction.

- (2) A drain permit must be obtained from the county drain commissioner before final approval can be made and a permit issued for construction.
- (3) A permit to attach to a public road must be obtained from the county road commission before final approval can be made and a permit issued for construction.

(b) Applications may be made on the form which is attached to Ordinance No. 43 as exhibit B. Each application shall be accompanied by payment of a fee in accordance with the schedule of fees adopted by the township board from time to time. All applications and fees shall be submitted through the township building inspector for review by the township planning commission and public safety board. The planning commission shall forward the application and the commission's findings and recommendations to the board for approval or disapproval. All applications shall include the following:

- (1) A site plan in compliance with sections 46-152, 46-153, and 46-154.
- (2) Professional (sealed) drawings prepared by an architect or engineer of all roadways which shall meet standards established by this article.
- (3) An overall development plan for all continuous land in which the person has an interest of any nature.

(Ord. No. 43, §§ 5.01--5.03, 5-20-2002)

Sec. 30-115. Approval of name; signs and posts.

All private roads shall be named with such name to be approved by the township board so as not to be the same as, or similar to, another road in the township. Road signs shall be erected at the expense of the applicant and maintained by those adjacent property owners whose properties are served by the private road. Such signs shall meet county road commission standards and shall have white letters on a blue background.

(Ord. No. 43, § 8.01, 5-20-2002)

Secs. 30-116--30-140. Reserved.

DIVISION 2.

STANDARDS

Sec. 30-141. Minimum design standards.

The minimum design standards for private roads constructed within the township shall be in compliance with the county road commission construction and usage weight specifications.

(Ord. No. 43, § 6.01, 5-20-2002)

Sec. 30-142. Extending existing private roads.

In those cases where the applicant seeks to extend or upgrade an existing private road, such extension

shall be permitted only if the existing private road is brought up to the standards as set forth in this article. All of such standards shall be deemed to apply to the existing roadway and the proposed extension. Such applicant shall obtain consent from all persons who, to the knowledge of the applicant, own any interest in the existing private road or have a right of access to their property thereby, which consent shall be in writing and shall be filed with the township contemporaneously with the filing of the application for a permit under this article. Such consent shall state:

- (1) That the owner consents to the extension of the roadway pursuant to the application, and;
- (2) That the consenting party consents to the upgrading of the existing roadway to the standards as set forth in this article, and where applicable, will agree to deed such easement or rights-of-way as are necessary to satisfy the requirements of this article.
- (3) In addition to subsections (1) and (2) of this section, a maintenance agreement, easement agreement, and deed restrictions which provide for the perpetual private (nonpublic) maintenance of the private road and easement to a necessary and reasonable standard to serve the several interests involved shall be provided. These documents shall contain the following provisions:
 - a. A method of initiating and financing and apportioning costs of maintenance and improvements of such road and/or easements in order to keep the road in a reasonably good and usable condition. See Public Act No. 239 of 1972 (MCL 247.391-346).
 - b. A notice that no public funds of the township are to be used to build, repair, or maintain the private road.
 - c. Easements to the public for purposes of emergency and other vehicles for whatever private or public services and utilities are used.
 - d. A provision that the owners of any and all of the property using the road shall refrain from prohibiting, restricting, limiting, or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, tradesmen, emergency vehicles and others bound to or returning from any of the properties having a right to use the road.

(Ord. No. 43, § 6.02, 5-20-2002)

Sec. 30-143. Minimum width.

All private roads shall be paved to a minimum of 20 feet in width provided that the abutting property owner must provide a ten-foot easement along each side of the road for public and private utilities or services.

(Ord. No. 43, § 7.01, 5-20-2002)

Sec. 30-144. Cul-de-sac requirements.

When required, a cul-de-sac shall be paved to a minimum diameter of 75 feet and shall also be provided with a ten-foot easement along each side of the cul-de-sac for public and private utilities or services.

(Ord. No. 43, § 7.02, 5-20-2002)

Sec. 30-145. Recordation of all roads constructed.

A description of all roads constructed under this article shall be recorded with the county register of deeds.

(Ord. No. 43, § 7.03, 5-20-2002)