

## TOWNSHIP OF MARATHON

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### Private Road Ordinance No. 80-5

An ordinance to regulate and establish standards for the approval and construction of private roads and drives within the Township of Marathon.

THE TOWNSHIP OF MARATHON ORDAINS:

#### Section 1. General Requirements.

A. No zoning compliance permit, building permit or certificate of occupancy shall be issued unless the building occupies a parcel of land which fronts on a public street or a private road improved to the standards of this ordinance. A private drive may be utilized in lieu of road frontage, provided the following conditions are met:

1. The private drive connects directly onto a public road.
2. The private drive is located on a legally valid and recorded easement or other interest in land which is attached to the residential lot or parcel.
3. The width of the easement or other legal interest in land on which the private drive is located is at least thirty-three (33) feet. (Amended to thirty seven (37) feet, see attached.)
4. The private drive does not serve more than two dwellings.

B. Private roads and drives constructed in compliance with this ordinance shall not be maintained by or dedicated to the township.

C. A document describing the private road and the provisions for maintenance shall be recorded with the Register of Deeds and also provided to the purchaser. The maintenance provisions shall apportion the maintenance responsibilities among the abutting property owners and shall run with the land.

#### Section 2. Construction Standards.

A. All private road rights-of-way shall be a minimum of 66 feet in width and shall be shown on the land division drawing as an easement for roadway purposes.

B. Intersecting streets shall be between 75 degree and 90 degree angles at intersections.

C. Minimum sight distances shall be 400 feet at intersections with local roads and 750 feet at intersections with primary roads.

D. Curves shall be constructed so as to have a minimum design speed of 35 miles per hour.

E. Road grades shall be a minimum of 0.2 percent and a maximum of 6.0 percent.

F. All vegetation and top-soil shall be removed and excavated 34 feet in width, centered on the 66 feet, for the full length of the road. The completed traveled way shall be a minimum of 24 feet in width.

G. Roadside ditches shall be at least 50 feet apart, center to center, and shall have a minimum depth of 18 inches from the shoulder. Minimum width at the bottom of the ditch shall be 24 inches.

H. There shall be a minimum sub-base of compacted material consisting of eight (8) inches of sand and a top six (6) inches of #22A gravel. All trees, stumps, brush and the roots thereof shall be entirely removed from within the grading limits of all private roads.

I. All driveway culverts shall be a minimum of 12 inches in diameter, 20-feet in length, and 16-gauge corrugated metal pipe. Sodding, planting, seeding, rip-rapping or other measures of soil erosion control shall be used within roadside ditches and private road easements.

J. Each permanent dead-end street shall be provided with a turn-around which has a minimum external diameter of 150 feet for right-of-way. The roadway within the turn-around shall have a minimum radius of 56 feet measured from the center of the turn-around.

### **Section 3. Planning Commission Review.**

A. Plans for a private road shall be submitted to the Township Planning Commission for review. Materials submitted shall include:

1. Engineering plans for the proposed private road which comply with Section 3 of this ordinance.
2. Drawings showing all existing and proposed grades, drains, structures, and other significant physical features.
3. A legal description of the property.
4. The proposed maintenance agreement and easement

B. No private road construction shall begin until the Planning Commission has approved the proposed road by a recorded vote taken at a regular or special meeting of the Commission.

### **Section 4. Inspections, Fees, Permits, Appeals.**

A. The Township shall not grant final approval for any private road until the completed road has been inspected for compliance with this ordinance.

B. The Township may contract with a civil engineer to inspect the private road improvements.

C. The Township Board may establish fees to cover the cost of review and inspections.

D. A permit shall be obtained from the Lapeer County Drain Commissioner in compliance with the Michigan Soil Erosion and Sedimentation Act prior to the commencement of road construction.

E. Permits shall be obtained from the County Road Commission before entrances are constructed onto county rights-of-way.

F. The Township Board of Appeals shall have jurisdiction to consider appeals for variances from this ordinance.

**Section 5. Severability Clause.**

This ordinance and each section, sub-section, sentence, and provision thereof are hereby declared to be severable. If any part is adjudged by a court of competent jurisdiction to be invalid for any reason, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

**Section 6. Repeal of Conflicting Provisions.**

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section 7. Adoption and Effective Date.**

A. This ordinance adopted by the Marathon Township Board at a meeting duly held on the 12th day of August 1980, and published in the Millington Herald on the 19th day of August, 1980.

B. This ordinance shall become effective upon the date of publication.

Howard Folsom, Supervisor  
Kathryn Lawter, Clerk

**PRIVATE ROAD ORDINANCE AMENDMENT. No. 80-5**

An ordinance to amend the Marathon Township Private Road Ordinance which was adopted on August 12, 1980 to increase the minimum width requirements for private drive easements.

THE TOWNSHIP OF MARATHON ORDAINS:

The following section of the Marathon Township Private Road Ordinance is hereby amended to read as follows:

Section 1.A.3. The width of the easement on which a private drive is located shall be no less than 37 feet.

The undersigned Supervisor and Clerk of the Township of Marathon hereby certify that this Ordinance Amendment was duly adopted by the Marathon Township Board at a meeting held on the 9th day of October 2001 and was published in the Lapeer County Press on the 31st day of October 2001. This Ordinance Amendment is effective as of said date of publication.

Dale Fuller, Supervisor  
Laura Ring, Clerk