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PUBLIC AND PRIVATE ROADS
TOWNSHIP OF SOUTH HAVEN, MICHIGAN
ord. no. 33 eff. July 20, 1993

An Ordinance regulating public and private roads and streets, the use thereof, the construction and maintenance of public and private roads and streets, within South Haven Township, the approval of road construction, to provide for and regulate permanent access easements for the exclusive use of individual single-family residences, and to provide for the administration, enforcement, agreements for use, security for construction, and fees to defray administrative and enforcement costs incident thereto.

THE TOWNSHIP OF SOUTH HAVEN HEREBY ORDAINS:

An Ordinance under the provisions of Public Act 246 of 1945, as amended, to regulate the construction, maintenance and use of public, private roads, and streets within South Haven Township, the user thereof by traffic, the administration and enforcement thereof, fees to defray the administrative and enforcement costs incident thereto, and to insure that all residences and buildings within the Township of South Haven may be accessible to emergency, police and fire protection.

30.001 Sec. I. **INTENT.**

The South Haven Township Board hereby finds that unobstructed, safe, and continuous access of lots and parcels of real estate is necessary to promote and protect the health, safety, and welfare of the public through emergency, police and fire protection service. The South Haven Township Board further finds that such access is necessary to ensure that such services can safely and quickly enter and exit private property at all times. The South Haven Township Board further finds that access to the interior of various sections within South Haven Township should be promoted through the orderly development of the Township and such access should meet minimum standards and specifications to permit the subsequent upgrading and dedication of such access rights-of-way by the Van Buren County Board of Road Commissioners or other municipal corporations when public dedication is desirable or required, without future undue and unnecessary costs to abutting property owners. 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.
(ord. no. 33 eff. July, 20, 1993)

30.002 Sec. II. **STANDARDS AND SPECIFICATIONS.**

All roadways, roads, streets, and access easements which are used for vehicular traffic to residences, buildings, businesses, or for the general public, except for agricultural or construction vehicles, shall comply with the following standards and specifications:

A. **PUBLIC ROADS.** All roads and streets which are dedicated to the public shall be incorporated into the Van Buren County Road Commission system and shall conform to the then current construction and maintenance standards of the Van Buren County Road Commission. The Township of South Haven hereby delegates to the Van Buren County Road Commission the function of review, inspection, and approval of all roads which have been dedicated to and accepted by the Van Buren County Road Commission as public roads. If a road or street has been dedicated to the public, but the Van Buren County Road Commission has not accepted said road or street within its systems as a public road, for purposes of the Ordinance such street or road shall be considered a private road or street.

   All streets or roads which are intended to be dedicated to the public and are currently under review or inspection by the Van Buren County Road Commission, shall nevertheless comply with all of the regulations of this Ordinance, and until said dedication has been accepted, the Township of South Haven retains the authority to review, inspect and improve such roads and streets as private roads and streets under Section III [30.003] hereafter, provided, however, that the standards for such roads shall be the then current County Road Commission standards which are incorporated herewith by reference, except for the application of the paving materials.

B. **PRIVATE ROADS AND STREETS.** All private roads and streets, including those which have not been accepted for dedication by the Van Buren County Road Commission into its system and those which are under current review and inspection by the Van Buren County Road Commission shall conform to the following standards. All reviewing, inspection, and approvals shall be done by the Township of South Haven, its engineers, employees, and officers, or when the Township Board shall so specifically approve, the Van Buren County Road Commission.

   1. **Width of Right-of-Way.** Minimum width of roadway easement right-of-way to be 66 feet.

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2. **Connection to Public Roads.** The connection between the private road and a public road shall conform to the standards and specifications of the Van Buren County Road Commission and the applicant shall obtain a street entrance permit issued by said Road Commission prior to approval of any private road by the South Haven Township Board.
3. **Culs-de-sac.** Minimum 150 feet diameter turnaround at the end of the private road.
4. **Curve Radii.** Minimum 230 feet centerline radium on all horizontal curves.
5. **Intersections.** Either aligned with an opposing street at an intersection, or have a minimum 125 feet offset. Must have 90-degree angle of intersection with public roads.
6. **Construction Standards.** All private road construction shall conform to the then current Van Buren County Road Commission "Standard Sand Specifications for Plat Development and Street Construction" except for the following:
   a. Sand subbase - minimum width 24 feet; minimum thickness 6 inches.
   b. 22A gravel surface - minimum width 22 feet; minimum thickness 6 inches.
   c. Paving will not be required.
7. **Names.** Private roads must have names, approved by the South Haven Township Board, and a standard Van Buren County street name sign shall be erected and maintained by the owner(s) at the public road connection.
8. **Dedication.** Private roads and streets which are intended to be offered for dedication to the public shall be constructed in accordance with all of the then current standards of the Van Buren County Road Commission. If a parcel served by said road is the subject of a zoning permit for the construction of a building or structure, the permit shall not be issued until the road or street has been inspected, reviewed and approved as a private road or street as provided by this Ordinance.

C. **PERMANENT ACCESS EASEMENT.** An individual parcel or lot which is to be improved, or which is improved, with a single-family residential dwelling may be served by an exclusive permanent access easement rather than a

public or private road or street, subject however, to the following standards and specifications:

1. Since the Permanent Access Easement shall serve only one single-family residence, no specific width or thickness standards of the road are required. However, those providing this type of access must conform to the intent of the Ordinance with their proposed construction and must provide assured safe and continuous access for both the residents and police, fire and emergency vehicles.
2. Minimum width of easement to be 66 feet.
3. Some means of turnaround must be provided, either in the easement or on the property served.
4. The connection between the Permanent Access Easement and a public street shall conform to the standards and specifications of the Van Buren County Road Commission and the applicant shall obtain a driveway permit issued by said Road Commission prior to the approval of any Permanent Access Easement by the South Haven Township Zoning Inspector or Ordinance Enforcement Officer. Any connection between a Permanent Access Easement and an approved private road shall conform to the specifications contained in Section II [30.002] above, and the applicant shall secure the approval of the South Haven Township Board for said connection, prior to the approval of any Permanent Access Easement by the South Haven Township Zoning Inspector or Ordinance Enforcement Officer.
(ord. no. 33 eff. July, 20, 1993)

30.003 Sec. III. **ADMINISTRATION.**

A. **PUBLIC ROADS AND STREETS.** The Van Buren County Road Commission shall administer this Ordinance with respect to roads and streets which have been accepted into its system. Roads which are under review of the Van Buren County Road Commission, but not yet accepted into its system, may be completed as a private road under subsection D. infra. All other roads, streets and permanent access easements shall be administered as provided hereafter in subsection B. infra.

B. **PRIVATE ROADS AND STREETS.**

1. **Approving Authority:** Using the specifications contained in Section II [30.002] above, the South Haven Township Board shall have the authority to approve

or deny applications for private roads and streets. In special circumstances, owing to conditions peculiar to the property, and where literal enforcement of the specifications would result in unnecessary and undue hardship, the Board is authorized to relax the specifications, as dictated by the special circumstances. This action can be taken only after the Board reviews the comments of the Township Engineer relative to the impact of the reduced specifications. The South Haven Township Board will then approve the application; deny the application; or approve the application imposing such conditions as it deems necessary to meet the intention and to achieve the objectives of this Ordinance. The breach of any such conditions shall automatically invalidate the permit.

2. **Permit Application Requirements:** The application shall be made in writing, and accompanied by four (4) copies of the following information:

   a. A legal description of the lot or parcel to be served by the private road; a legal description of the easement; the names and addresses of all persons or parties owning an interest in the title to the lots or parcels to be served and upon which the easement lies.

   b. A survey drawing showing the outline of the proposed easement and private road; the dimensions and bearings thereof; the existing topographical contours at 2-feet intervals of the easement area and all adjacent land within 50 feet; solid characteristics, wet areas, trees, streams, and other bodies of water, and existing buildings within 50 feet of the proposed easement; the proposed easement in relation to the nearest property lines and relocation of all proposed improvements to the easement area. The survey drawing shall be prepared by a Registered Land Surveyor or Civil Engineer and shall bear the seal of the same.

   c. Plans and profile drawings and cross sections of the proposed improvements showing clearly all materials, grades and dimensions. Such drawings and cross sections shall be prepared by a Registered Civil Engineer and shall bear the seal of the same.

   d. An agreement for construction, maintenance and improvements to the roadway, according

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to standards to be adopted by the Township Board. The agreement shall expressly authorize the Township and/or Van Buren County Road Commission to enter the property and complete construction at the cost of the owners, in the event of default by the permit holder. The agreement shall expressly provide that the roadway is "open to the public" for purposes of enforcement of the Uniform Traffic Code.

   e. The application shall be signed by the property owner or his agent, 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 a beneficial interest in the easement.

   f. A fee for the review of the application, inspection by the Township Engineer of the plans and improvements, and other costs incurred by the Township in the consideration of a Private Road Permit shall be determined, and may be modified from time to time, by Resolution of the Township Board.

   g. A statement of the anticipated costs of construction certified by a Registered Civil Engineer, a time schedule of construction and a firm date for completion of construction.

3. **Application:** The application including the requirements of 2a. through 2g. above, is to be completed, and subsequent submission to the South Haven Township Board. The South Haven Township Board shall act upon said application, within 60 days. The Township Clerk will notify the applicant in writing of the action by the Township Board. If the private Road Permit Application has been approved, a copy of the Permit will be forwarded to the applicant. If the application is denied, a written statement of the reasons for denial shall be given. If conditions are imposed on the granting of an application, a written statement of the conditions and the reasons therefore shall be given. The Township Board shall establish a time limit for the completion of all construction approved, including a specific time for the application of paving or other hard surfacing with respect to roads intended for dedication to the public.

The Township Board shall also set the amount of Bond which shall be required under paragraph 6, hereafter.

4. **Inspection Procedure:** The applicant is required to inform the Township as to progress on the roadway in order that the Township Engineer can make road improvement inspections at a minimum, upon the completion of basic grading and placement of surface construction and certify the fact of completion in accordance with the terms and provisions of the permit and submit the same to the Township Clerk. The Township Clerk will then notify the Township Zoning Inspector of the completion of the roadway. No certificate of Zoning Compliance shall be issued by the South Haven Township Zoning Inspector for buildings upon lots or parcels of real estate which are to be provided access by means of a private road, until the final inspection and certification by the Township Engineer and acceptance by the Township Board has been received; except as in subsection B., below.
5. **Expiration of Approval.** A Private Road Permit shall be valid for a period of two years from date of issuance. If the improvement has not been completed upon expiration of said two years, then the permit shall be void and of no force and effect.
6. **Construction Bond:** In the event the applicant desires to begin construction of buildings, prior to the paving of a roadway which is to be dedicated to the public, a Performance Bond shall be posted with the Township by the applicant to secure the completion of said public roadway. The amount of the bond will be based upon the Township Engineer's professional estimate of construction costs. In the event the applicant defaults in the conditions of completion as established by the Township Board, the bond shall be forfeited to the Township and the Township will then apply the funds to the completion said roadway.
7. **Private Road Certification:** The Township Board, by resolution, upon receipt of the Township Engineer's final inspection report, will certify the private road in question as conforming to the standards of South Haven Township, and accepted as an approved private road under the provisions of this Ordinance and the South Haven Township Zoning Ordinance.

C. **PERMANENT ACCESS EASEMENT:**

1. **Approving Authority:** The South Haven Township Zoning Inspector or Ordinance Enforcement Officer.
2. **Permanent Access Easement Application Requirements:** The application shall be made in writing, and accompanied by two copies of the following information:
   a. A legal description of the lot or parcel to be served by the Permanent Access Easement; a legal description of the easement, and the names and addresses of all parties owning an interest in the title to the lot or parcel to be served.
   b. A drawing of the lot or parcel with the dimensions and bearings showing the outline of the proposed easement and placing the location of any improvements.
   c. Driveway permit issued by the Van Buren County Road Commission, if required.
   d. Proof of registration and/or recording of the Permanent Access Easement with the Van Buren County Register of Deeds.
3. The South Haven Township Zoning Inspector shall issue a Permanent Access Easement only if all the specifications, as contained in paragraph C.2. Section II [30.002] are met by the applicant.

D. **ROADS AND STREETS UNDER ROAD COMMISSION REVIEW AND USE THEREOF BEFORE COMPLETION AND ACCEPTANCE:**

1. **Approving Authority:** Using the then current specifications of the Van Buren County Road Commission, except for the application of the final paving materials, the South Haven Township Board shall be the authority to approve or deny applications for the use of roads and streets, intended to be dedicated to the use of the public and acceptance into the Van Buren County Road Commission system, prior to such acceptance, as approved roads and streets for the purpose of issuance of building and zoning permits for development of benefitted lands.
2. **Permit Application Requirements, Application and Inspection:** The application requirements, application and inspection procedure shall be the same as subsection B.2., 3., and 4., supra, which are incorporated by reference.

3. **Approval:** An approval of such a road or street shall be by resolution of the Township Board stating a time for acceptance of the road or street into the Van Buren County Road Commission system. The application of the final paving materials is not required by such approval, but the Township Board shall establish a deadline for the final application of such paving materials. A condition of such approval shall be the posting of construction bond to secure said construction and application of paving materials by the date established by the Township Board. The bond shall comply with all requirements of subsection III [30.003], B.6. supra. The Township Board may impose any other conditions required to achieve compliance with this Ordinance, any other Ordinance of the Township, or any federal, state or county law, statute, ordinance or regulation.
(ord. no. 33 eff. July, 20, 1993)

30.004 Sec. IV. **EXEMPTIONS.**

All improved private roads or access easements, serving more than one dwelling unit, which have been in existence as of the date of the adoption of South Haven Township Ordinance No. 33, dated July 20, 1993 are exempt from the application of this Ordinance, and shall be deemed to be in conformance with the standards of Section 16.08A of the South Haven Township Zoning Ordinance, as amended. Provided, however, that this exemption shall apply only to those parcels which have been improved with a principal building or structure and whose use is conforming to the terms of the South Haven Township Ordinance as of July 20, 1993 and maintained in conformance to said Zoning Ordinance continuously thereafter. All other parcels, lots, roadways, structures, buildings, and uses shall conform to the provisions of this Ordinance.
(ord. no. 38 eff. July 20, 1993)

30.005 Sec. V. **SIGNS.**

1. **GENERAL REQUIREMENT:** Every property improved with a principal structure, dwelling, and every apartment dwelling unit, office, suite or other building space which is occupied by a separate and distinct entity, person, or business shall meet the minimum standards established by this Ordinance, and shall have affixed thereto the identification of its location required by this Ordinance.

2. **STREETS AND ROADS:** All public rights-of-way, streets, and roads shall bear the designation as have been established by the Van Buren County Road Commission. Every private road authorized under this Ordinance shall bear a separate and distinct road or street name, approved by the South Haven Township Board and the Van Buren County Road Commission, as provided by this Ordinance.

3. **INDIVIDUAL STREET OR ROAD NUMBERS AND ADDRESSES:** Every principal structure located upon real estate in South Haven Township, including all dwellings, commercial uses, and industrial uses shall have established and maintained at all times an identification sign located at or within the street or right-of-way line on the property bearing a street or road number of address of the property. The number or address shall be that number or address which has heretofore been established by the public utilities. Every structure not identified by the public utilities shall be designated with a street or road identifying number or address as designated by the South Haven Township Zoning Inspector, or the South Haven Township's Ordinance Enforcement Officer.

4. **APARTMENTS, CONDOMINIUMS, OFFICE SUITES, AND SEPARATELY OCCUPIED BUILDING SPACES:** There shall be affixed on the exterior of all apartment buildings, multiple dwellings, office suites, condominiums, and other separately occupied building spaces or complexes, separate identifying numbers or letters in clear sequential order or pattern on signs located within six (6) feet of the exterior entrance to each dwelling unit, office, condominium or separately occupied building space.

5. **IDENTIFICATION SIGNS:** The identification signs described in this Ordinance for placing along street or road rights-of-way and on the exterior of buildings shall meet the following minimum standards:

   a. All letters or numerals shall be at least three (3) inches high and affixed to the United States mail receptacle which serves the property, or to a sign which conforms to the provisions of the South Haven Township Zoning Ordinance.
   b. The color of numerals and letters shall be clearly distinct from the background color of the sign board or the receptacle.
   (ord. no. 33 eff. July, 20, 1993)

30.006 Sec. VI. **SEVERABILITY.**

In the event that any provision or section of the within [this] Ordinance shall be declared unconstitutional or unenforceable for any reason, such provision or section shall be severed from this Ordinance and the remaining provisions shall be enforceable without respect to the severed and unenforceable provision or section.
(ord. no. 33 eff. July, 20, 1993)

30.007 Sec. VII. **EFFECTIVE DATE.**

This Ordinance was introduced to the Charter Township of South Haven Board at a regular meeting on June 9, 1993; First publication June 16, 1993. Adopted at a regular meeting on July 14, 1993, and will be effective on date of second publication, July 20, 1993.

This Ordinance shall take effect on July 20, 1993, and all Ordinances in conflict are hereby repealed.
(ord. no. 33 eff. July, 20, 1993)

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