

NOTICE OF ADOPTION OF A PROPOSED PRIVATE ROAD AMENDMENT ORDINANCE

PLEASE TAKE NOTICE that a Tallmadge Charter Township Private Road Amendment Ordinance was adopted at a meeting of the Tallmadge Charter Township Board on November 15, 2022 after its first reading at a meeting of the Tallmadge Charter Township Board held on October 11, 2022.

The Private Road Amendment Ordinance will revise Section 1.03D – General Requirements and Application to Existing Private Roads by changing the reference from Attachment A to Section 1.04E; will revise Section 1.04A – Minimum Standards for Private Roads to change the reference from Attachment A to Section 1.04E and to require a cul-de-sac; will revise Section 1.04E – Minimum Standards for Private Roads to contain the minimum requirements for road construction; will revise Section 1.04K – Minimum Standards for Private Roads to require a minimum width and height clearing of obstructions; will revise Section 1.06A – Procedure for Review of Private Roads to change the reference from Attachment A to Section 1.04E and; to eliminate Attachment A of the Tallmadge Charter Township Private Road Ordinance, to provide for severability, to provide for repeal, and to provide for an effective date.

PLEASE TAKE FURTHER NOTICE that the Ordinance has been posted in the office of the Tallmadge Charter Township Clerk, Tallmadge Charter Township, 0-1451 Leonard Road, N.W., Grand Rapids, Michigan (telephone: 616-677-1248), and on the Township website at www.tallmadge.com.

Dated: November 27, 2022

Lenore Cook, Clerk
Tallmadge Charter Township

The following Private Road Amendment Ordinance was adopted at the Tallmadge Charter Township Board meeting on November 15, 2022.

ORDINANCE NO. 100922-1

PRIVATE ROAD AMENDMENT ORDINANCE

AN ORDINANCE TO AMEND THE PRIVATE ROAD ORDINANCE FOR THE CHARTER TOWNSHIP OF TALLMADGE, OTTAWA COUNTY, MICHIGAN, BY REVISING SECTION 1.03D – GENERAL REQUIREMENTS AND APPLICATION TO EXISTING PRIVATE ROADS; BY REVISING SECTION 1.04A – MINIMUM STANDARDS FOR PRIVATE ROADS; BY REVISING SECTION 1.04E – MINIMUM STANDARDS FOR PRIVATE ROADS; BY REVISING SECTION 1.04K – MINIMUM STANDARDS FOR PRIVATE ROADS; BY REVISING SECTION 1.06A – PROCEDURE FOR REVIEW OF PRIVATE ROADS; BY DELETING ATTACHMENT A; TO PROVIDE FOR SEVERABILITY, TO PROVIDE FOR REPEAL, AND TO PROVIDE FOR AN EFFECTIVE DATE FOR THIS ORDINANCE.

THE CHARTER TOWNSHIP OF TALLMADGE, COUNTY OF OTTAWA, STATE OF MICHIGAN, ORDAINS:

Section 1. General Requirements and Application to Existing Private Roads. Section 1.03D of the Tallmadge Charter Township Private Road Ordinance, Ordinance No. 031495A, shall be restated in its entirety as follows.

Section 1.03D – General Requirements and Application to Existing Private Roads

Expansion of use.

- (1) Private roads or roadway systems as defined herein and as registered under section 1.03(A) shall be permitted to serve additional lots or building sites, provided the entire road shall be upgraded to meet the standards contained in Section 1.04E plus all provisions of this Private Road Ordinance, subject to the following provisions:
 - a. The additional lots or building sites shall be approved by the Planning Commission, if they meet all requirements of this ordinance. The Planning Commission shall also review the documents required by this Ordinance for compliance with the provisions of Section 1.05 and 1.06. In the event,

the owner or owners of an existing private road find these requirements to be impractical or physically impossible to accomplish, the provisions of Section 1.09 Variances may be pursued. Special consideration shall be given to all who complied with the original Ordinance. If the applicant desires to pursue a variance during the application process, the Planning Commission shall provide a recommendation to the Township Board considering the provisions of Section 1.09.

- b. Additional lots or building sites created shall comply with the lot size and lot width requirements of the applicable zoning district. If extensions to the existing roadway system are made to serve any additional lots, the road construction standards shall be determined by the total number of lots served by the entire private road or roadway system as outlined in Section 1.04E, and the entire private road or roadway system shall comply or be made to comply with said construction standards.

If a new private road is proposed from an existing private road creating an intersection of the two roads, the new private road shall have a name different and distinct from the existing road and shall be designed and constructed to meet the standards outlined in Section 1.04E based on all lots served by the new road and the existing road. If the existing private road does not meet the standards of Section 1.04E considering the lots served by the new private road, the existing road shall also be upgraded to comply with the road standards.

- (2) An expansion of use shall comply with the procedure and application requirements of Section 1.06 of this Ordinance.

Section 2. Minimum Standards for Private Roads. Section 1.04A of the Tallmadge Charter Township Private Road Ordinance, Ordinance No. 031495A, shall be restated in its entirety as follows.

Section 1.04A – Minimum Standards for Private Roads

A private road shall be located within a private road easement. Such easement shall not be less than sixty-six (66) feet in width.

At any dead-end of such easement, the easement shall widen such that there is a minimum radius as described in Section 1.04E. When a private road terminates in a dead end, it shall contain a paved cul-de-sac.

Section 3. Minimum Standards for Private Roads. Section 1.04E of the Tallmadge Charter Township Private Road Ordinance, Ordinance No. 031495A, shall be restated in its entirety as follows.

Section 1.04E – Minimum Standards for Private Roads

A private road serving three (3) or more lots shall be constructed with no less than twenty-two (22) feet in width, consisting of twelve (12) inches of class 2 sand base, six (6) inches of class 22A gravel, three (3) inches of asphalt, together with two (2) foot gravel shoulders (consisting of the same components as the twenty-two (22) feet, other than the asphalt). The minimum road width and shoulders shall support a 75,000-pound apparatus, or satisfy the current edition of the International Fire Code, as amended and so adopted by the Township, whichever standard is greater. The private road easement shall contain a minimum radius of forty-six (46) feet for a cul-de-sac or a minimum radius of sixty (60) feet for a dead-end turnaround. Two (2) valley gutters are required where needed for drainage. These standards apply to extensions of existing private roads and to new private roads. The private road plans shall be sealed by a registered engineer.

Section 4. Minimum Standards for Private Roads. Section 1.04K of the Tallmadge Charter Township Private Road Ordinance, Ordinance No. 031495A, shall be restated in its entirety as follows.

Section 1.04K – Minimum Standards for Private Roads

All brush, trees, stumps, and other obstructions shall be cleared to a distance of no less than four feet (4') from each side of the road and to a height of at least fifteen feet (15'), for the entire width and length of the private road.

Section 5. Procedure for Review of Private Roads. Section 1.06A of the Tallmadge Charter Township Private Road Ordinance, Ordinance No. 031495A, shall be restated in its entirety as follows.

Section 1.06A – Procedure for Review of Private Roads

Permit Application and Fee

An application to establish, extend, or relocate a private road shall be filed with the Township Zoning Administrator along with a fee as set by the Township Board. The application shall contain or be accompanied by the following information:

- (1) The name(s) of the owners and any other parties having any legal interest in the private road and the property across which it is to be constructed.
- (2) Permanent parcel number or legal description of the property over which the private road is to be constructed.
- (3) A site location map not to scale which shows the location of the parcel containing the road to surrounding properties and roadways within one-half mile of the site.
- (4) A scaled drawing showing the precise location, route, elevations, dimensions, specifications and design of the private road and any proposed extensions of the road, existing or proposed curb cuts and the location and distance to any public street which the private road is to intersect, in compliance with this Ordinance. (See Section 1.04E)
- (5) A scaled drawing illustrating the proposed lot divisions. (See Section 1.04E)
- (6) A road maintenance agreement, access easement agreement and deed restrictions as described in Section 1.05 herein, shall also accompany the application.
- (7) A driveway permit from the Ottawa County Road Commission.
- (8) A letter from the Ottawa County Road Commission indicating there is no known duplication of the proposed private road name.

Section 6. Attachment A. Attachment A of the Tallmadge Charter Township Private Road

Ordinance, Ordinance No. 031495A, is hereby deleted in its entirety

Section 7. Severable Provisions. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 8. Repeal. All ordinances or parts of ordinances in conflict with this Ordinance are hereby expressly repealed.

Section 9. Effective Date. This Ordinance was approved and adopted by the Township Board of the Charter Township of Tallmadge, Ottawa County, Michigan, on November 15, 2022 after introduction and a first reading on October 9, 2022 and publication after such first reading as required by Michigan Act 359 of 1947, as amended. This Ordinance shall be effective immediately upon publication on November 27, 2022.

Mark Bennett
Township Supervisor

Lenore Cook
Township Clerk

CERTIFICATE

I, Lenore Cook, the Clerk for the Charter Township of Tallmadge, Ottawa County, Michigan, certify that the foregoing Tallmadge Charter Township Private Road Amendment Ordinance was adopted at a regular meeting of the Township Board held on November 15, 2022. The following members of the Township Board were present at that meeting: Datema, Cook, Schwallier, Eppink, Terpstra, and Bennett. The following members of the Township Board were absent: Bronkema. The Ordinance was adopted by the Township Board with members of the Board Terpstra, Datema, Cook, Schwallier, Eppink, and Bennett voting in favor and no members of the Board voting in opposition. Notice of Adoption of the Ordinance was published in the *Grand Rapid Press* on November 27, 2022.

Lenore Cook, Clerk
Tallmadge Charter Township

AFFIDAVIT OF POSTING

(Private Road Amendment Ordinance)

STATE OF MICHIGAN)

)ss

COUNTY OF OTTAWA)

The undersigned, Lenore Cook, the Tallmadge Charter Township Clerk, being first duly sworn, deposes and says as follows:

1. That she posted a proposed Private Road Amendment Ordinance for Tallmadge Charter Township, after its first reading at a meeting of the Tallmadge Charter Township Board held on October 9, 2022 and its second reading on November 15, 2022 in the Township Clerk's office and on the Township's website at www.tallmadge.com on November 27, 2022.

Lenore Cook, Clerk
Tallmadge Charter Township

Subscribed and sworn to before this
____ day of _____, 2022.

Notary Public, Ottawa County, Michigan
Acting in Ottawa County, Michigan
My commission expires: _____