

MUSSEY TOWNSHIP

PRIVATE ROAD ORDINANCE

Ordinance Number 23

An Ordinance to Repeal the Existing Private Road Ordinance No. 18, and to adopt the following Private Road Ordinance for the elimination of the new construction of Private Roads, and regulation of Existing Private Roads.

THE TOWNSHIP OF MUSSEY ORDAINS:

SECTION 1. INTENT

- A. The Mussey Township Private Road Ordinance Number 18 is hereby repealed.
- B. This ordinance eliminates the new construction of private roads and regulates the review, approval, design, inspection and maintenance of roads within the Township.
- C. No lot or parcel of property within Mussey Township may be sold that does not front upon a public road, or an existing, approved private road, except if combined with a parcel which shall front on any such public road or existing private road.

SECTION 2. PROHIBITIONS

- A. Construction of Private Roads Prohibited. No private roads shall be approved or constructed in the Township after the effective date of this ordinance.
- B. Sales of Parcels of Land. No person shall divide or sell any parcel of land within the Township of Mussey unless said parcel of land fronts upon a public street which is dedicated to the public or unless such parcel fronts upon an existing private road, or unless said deed or other conveyance of sale contains the following language:

“This parcel is not a buildable site for the reason that said parcel does not front on an approved road with acceptable ingress and egress as required by the Zoning Ordinance and Private Road Ordinance of the Township of Mussey.”
- C. Building Permits. No building permit shall be issued by the Mussey Township Building Department or any other official for a structure unless said structure fronts on a public street or highway dedicated to the public, or an existing private road.

SECTION 3 CONVEYANCE OF INTEREST OF LAND ABUTTING PRIVATE ROAD

An offer to purchase any conveyance of land and the instrument of conveyance for a parcel located on an existing private road shall include a provision that the buyer and/or grantee acknowledges the maintenance, care, and other responsibilities concerning said private road rest with the abutting land owners, and are not the responsibility of the Township of Mussey, County

of St. Clair, or the State of Michigan.

SECTION 4. NEW ROAD CONSTRUCTION

New road construction shall not occur without prior approval of the Mussey Township Planning Commission, and the St. Clair County Road Commission. All new road construction must meet the existing minimum requirements of the St. Clair County Road Commission and any conditions which may be imposed by Mussey Township after site plan review and approval.

SECTION 5. VALIDITY

This Ordinance and the various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby. The Township Board hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence, and clause thereof irrespective of the fact that any one or more parts, section, subsection, phrases, sentences or clauses be declared invalid.

SECTION 6. RELATIONSHIP TO OTHER LAWS AND ORDINANCES

Whenever regulations or restrictions imposed by this Ordinance are either more or less restrictive than regulations or restrictions imposed by governmental authority through legislation, rule or regulation, the more restrictive regulations or those which impose higher standards shall govern.

SECTION 7. REPEAL OF CONFLICTING ORDINANCES

Any previous Mussey Township Private Road Ordinance is hereby repealed in its entirety.

SECTION 8. ADOPTION, EFFECTIVE DATE

- A. Adoption. This ordinance was adopted by the Mussey Township Board at a meeting thereof held on January 10, 2007.
- B. This Ordinance shall take effect on March 2, 2007, thirty days following publication of a notice of adoption, as provided by law.

CERTIFICATION OF TOWNSHIP CLERK

I, Sheila McDonald, Mussey Township Clerk, hereby certify that the foregoing is a true copy of The Mussey Township Property Division Ordinance adopted by the Township Board on January 10, 2007, by the following vote:

Ayes: Lauwers, McDonald, Kain, Downey & Printz

Nays:

Absent:

Motion: Carried

Sheila McDonald
Mussey Township Clerk

Mussey Township ordered notice of adoption and summary to be published in the newspaper on January 31, 2007. A true copy of the above ordinance may be inspected or purchased at the offices of the Township Clerk during regular business hours.