

**GAINES CHARTER TOWNSHIP  
KENT COUNTY, MICHIGAN  
(ORDINANCE NO. \_\_\_\_)**

At a \_\_\_\_\_ meeting of the Township Board for Gaines Charter Township held at the Township offices on \_\_\_\_\_, 2019, beginning at \_\_\_\_ p.m., the following Ordinance was offered for adoption by Township Board Member \_\_\_\_\_, and was seconded by Township Board Member \_\_\_\_\_:

**AN ORDINANCE TO IMPOSE A MORATORIUM ON THE ISSUANCE OF PERMITS, LICENSES OR APPROVALS FOR THE CREATION, CONSTRUCTION, EXPANSION OR EXTENSION OF PRIVATE ROADS AND JOINT DRIVEWAYS AND TO PROHIBIT SUCH CONSTRUCTION AND USES.**

THE CHARTER TOWNSHIP OF GAINES (the “Township”) ORDAINS:

**Section 1.** Findings. In accordance with Act No. 110 of the Public Acts of 2006, as amended, Act No. 246 of the Public Acts of 1945, as amended, and other laws, Gaines Charter Township has determined that:

- A. The provisions of the Township’s ordinances (collectively, “Ordinances”) have not kept pace with the development, construction, use and maintenance of private roads, joint driveways and similar private ways within the Township.
- B. It is within the right and authority of Gaines Charter Township to establish reasonable regulations to govern and regulate the creation, expansion, extension, use and construction of private roads, joint driveways and similar private ways within the Township.
- C. Imposing a moratorium, on a limited temporary basis, is reasonable and necessary in order to allow time for review of and potential amendments to the Township’s Ordinances or to draft and adopt new ordinances.
- D. During this moratorium period, the Township Board will investigate potential modifications to the Ordinances (or the enactment of new ordinances) regarding the regulation of private roads, joint driveways and similar private ways within the Township.

**Section 2.** Administrative Action. A moratorium is hereby imposed upon the issuance of any Township permit, license, variance, or similar approval for the construction, expansion, extension, or creation of any private road, joint driveway or similar private way so long as this Ordinance is in effect. During the moratorium term specified in this Ordinance, no Township

official, employee, body, or agent shall issue any such permit, license, variance or other approval regarding any private road, joint driveway or similar private way.

**Section 3.** Prohibition on the installation, creation, extension, expansion or upgrading of any private road, joint driveway or similar private way within the Township. No private road, joint driveway or similar private way shall be installed, construction, expanded, extended or upgraded while the moratorium imposed by this Ordinance is in effect.

**Section 4.** Definition of "Private Road". For purposes of this Ordinance, the term "private road" shall mean any joint driveway, joint easement (or similar arrangement) serving two or more lots or parcels, a private way that serves two or more lots, parcels or dwellings, an easement that serves a single parcel or lot (where that parcel or lot does not have the required frontage on a public road) or similar easement, way or access.

**Section 5.** Term of the Moratorium. The moratorium imposed by this Ordinance shall remain in effect until May 1, 2020. Prior to the expiration of the moratorium, Gaines Charter Township may extend the moratorium for an additional six months to allow sufficient time to complete any such amendments to the Ordinances or to draft and enact a new applicable ordinance or ordinances.

**Section 6.** Effective Date. This Ordinance is declared to be an emergency ordinance and shall become effective the day following its publication (or a summary hereof) in a newspaper of general circulation within the Township.

The vote in favor of this Ordinance was as follows:

YEAS: \_\_\_\_\_  
\_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT/ABSTAIN: \_\_\_\_\_

ORDINANCE DECLARED ADOPTED

**CERTIFICATION**

I hereby certify that the above is a true copy of an emergency Ordinance adopted by the Township Board for Gaines Charter Township at the time, date, and place specified above pursuant to the required statutory procedures.

Respectfully submitted,

By \_\_\_\_\_  
Angela Burnside  
Gaines Charter Township Clerk