

AGENDA REPORT

TO: Mayor & City Commission
FROM: Ken Hibl, City Manager
DATE: September 30, 2009
RE: Adoption of Ordinance 2009-003 (Road Naming Ordinance)

For the Agenda of October 5, 2009

Background. Consumer's Energy currently issues house numbers and street names for all new addresses; they are in the process of relinquishing this responsibility and authority to respective units of local governments (counties, cities, villages, townships, etc.). The Clare County Planning Commission has drafted a proposed Road Naming & House Numbering Ordinance. The proposed ordinance requires Clare County residents to submit all requests for new house/building numbers and street names for a fee (proposed fee of \$35); the proposed ordinance also allows cities and villages within Clare County to "opt out" of the ordinance but asks that the responsibility to assign house/building numbers and street names be borne by the respective governing unit that is "opting out".

Our City Attorney has drafted a proposed road naming and house number ordinance (*copy att'd*) that allows the City to control the assignment of house numbers and naming of streets, thereby precluding the need for City residents/property owners to travel to the County Building and pay the fees established by Clare County for this service.

The City Commission conducted a public hearing and a first reading of the proposed ordinance amendment at the scheduled meeting of September 21, 2009. No public comment was received.

In order to complete the process to adopt the proposed ordinance (Ordinance 2009-003), the City Commission is required to direct a second reading (all first and second readings of ordinance amendments are Consent Agenda items of the Clare City Commission unless property removed from the Consent Agenda). Thereafter, the City Commission may adopt the proposed ordinance.

Issues & Questions Specified. Should the City Commission direct a second reading of the proposed ordinance and thereafter take formal action to adopt the ordinance?

Alternatives.

1. Direct a second reading and adopt the new ordinance.
2. Direct the second reading but do not adopt the ordinance.
3. Do not direct the second reading, thereby disapproving the ordinance in its current form.
4. Set aside decision regarding this matter to a later date.

Financial Impact. There is no fiscal impact to the City other than the administrative costs of publishing the public notice.

Recommendation. I recommend that the City Commission approve the proposed ordinance by adoption of Resolution 2009-104 (*copy att'd*).

Attachments.

1. Ordinance 2008-003.
2. Resolution 2009-104.

ORDINANCE NUMBER 2009- 003

THE CITY OF CLARE ROAD NAMING AND ADDRESS
NUMBERING ORDINANCE.

The City of Clare has determined that the health, safety, and welfare of the residents of the City of Clare would be better served by establishing a City ordinance coherent with the recent County ordinance and county road naming and address numbering system. A uniform and mandatory road naming and address numbering system will enable emergency services and other public and private entities to more rapidly identify and locate properties within Clare County and the City of Clare specifically.

THE CITY OF CLARE ORDAINS:

Section 1. TITLE

There is hereby created, and this Ordinance shall be known and cited as, the "City of Clare Road Naming and Address Numbering Ordinance".

Section 2. PURPOSE

The purpose of this Ordinance is to establish a city road naming and address numbering system in cooperation with the county road naming and address numbering system such that properties are numbered and named in a uniform and consistent manner, and to provide enforcement thereof.

Section 3. AUTHORITY

This Ordinance is adopted under the authority and provision of the applicable statutes of the State of Michigan, including but not limited to MCL 117.4 et.seq.

Section 4. DEFINITIONS

Unless a contrary definition is contained in this Ordinance, all words and phrases used in this Ordinance shall be understood and construed in accordance with their commonly accepted and understood meaning and definition.

A. ROAD NAMING

1. "Road" is an interchangeable term in this Ordinance and they each refer to any thoroughfare, including both public

and private roads, accessible to motor vehicle traffic and which affords the principal means of access to abutting property; and these terms shall also include, but not limited to, street, lane, trail, drive, avenue, court, way, and the like.

2. "Private Road" refers to any thoroughfare that is not a public road and is accessible to motor vehicle traffic and affords the principal means of ingress/egress of abutting property and from which driveway access is thereby gained to more than one premise, not under the jurisdiction of any governmental unit.
3. "Premise" shall mean any lot or single parcel of land owned by any person, entity, firm, or corporation, public or private, improved with any building(s), whether occupied or not.
4. "Driveway" refers to the portion of the premise accessible to motor vehicle traffic and which provides the principal means of ingress/egress to a single lot or premise from street or road.
5. "Road Name" shall refer to any official name as recognized by the government authority.

B. ADDRESS NUMBERING

1. "House Number" shall refer to the number assigned to consecutive intervals along a road pursuant to the number assignment formula contained herein.
2. "Number Assignment Formula" as found herein is defined as follows:
Beginning from the point of origin, two house numbers shall be assigned for each interval on the right hand side of the road as one leaves the point of origin being assigned an even number and each interval on the left hand side as one leaves the point of origin assigned an odd number. The numbers assigned shall increase consecutively by equal intervals. Intervals shall run North, South, East, and West or diagonally from the point of origin.
3. "Primary Structure" refers to, but not limited to: residential building, mobile home park, commercial

building, industrial building, office building, public building, utility facility, billboard, storage facility, lighted outdoor display, well and field pump.

4. "Interval" refers to the distance along a roadway, covered by this Ordinance, of 10.56 feet, there being 500 intervals per mile. Intervals of greater or lesser in length than 10.56 feet may be determined by dividing the actual distance of the mile section by 500.
5. "Point of Origin" refers to the intersection of an East-West base line and a North-South base line from where all intervals begin. The North-South, East-West intersection in Clare County shall be the section corner that is common to Section 36 of Greenwood Township, Section 31 of Hayes Township, Section 6 of Hatton Township and Section 1 of Lincoln Township
6. "Diagonal Roads" refers to roads that do not run in an East-West or North-South direction.
7. "Agent" refers to a property owner's attorney, trustee, realtor, purchaser, broker, receiver, or tenant.

Section 5. ROAD NAMING

The provisions of this Ordinance shall apply to public and private road names. Any road, public or private, that exists in the City of Clare on or after the effective date of this Ordinance shall be, have, and be posted or signed with, a name that shall be registered with and approved by the City of Clare.

Section 6. DUPLICATE ROAD NAMES

Upon the effective date of this ordinance, and thereafter, no road name will be assigned that duplicates an existing named road. The City of Clare shall be the sole authority for road naming.

Section 7. PUBLIC AND PRIVATE ROAD SIGNS

A private entity that has requested a private road name is responsible for posting signs for that road and must follow any laws, regulations, or statutes governing the placement of road name sign as enacted from time to time by the City of Clare. Public authorities shall be responsible for placement of signs on publicly created roads.

Section 8. ADDRESSING

The City of Clare shall assign a house number that is numerically and sequentially correct. The City of Clare shall coordinate with Clare County in furtherance of its overall scheme of numbering and labeling.

Section 9. EXISTING ROAD NAMES AND ADDRESSES

Addresses and road names that were created prior to the date of this Ordinance may remain the same. In some instances the City of Clare may elect and decide that addresses and road names be adjusted in order to create coherence with numbers or sequences. It is not the objective of this Ordinance to change all previously addressed structures or to change all previously named duplicate road names. Changes to existing addresses and road names will only be made when a non-conformity interferes with the accurate dispatch of emergency vehicles or postal delivery.

Section 10. PROCEDURE FOR CALCULATING PROPER HOUSE NUMBERS

Beginning from the point of origin, two house numbers shall be assigned for each interval on the right hand side of the road as one leaves the point of origin being assigned an even number and each interval on the left hand side as one leaves the point of origin assigned an odd number. The numbers assigned shall increase consecutively by equal intervals. Intervals shall run North, South, East, and West as diagonally from the point of origin.

Fractions shall not be used in assigning house numbers.

For standard mile sections (5,280 feet), an interval of 10.56 shall be used. Using the city record map, the house number will be assigned by first determining the nearest mile road or section line between the structure and the transacting base line. The distance between the front door of the primary structure and the mile road/section line will be measured and the corresponding house number as given in table one will be assigned.

The corresponding odd or even number in the table will be added to the mile section range number and issued to the property owner.

For mile sections that are longer or shorter than the standard length of 5,280 ft, the interval footage shall be determined by dividing the actual distance of the mile section by 500.

Section 11. PRE-NUMBERED RECORDED SUBDIVISION PLATS

As a general principle, single family residential subdivision plats of record may be pre-numbered by the City of Clare in accordance with these rules.

Section 12. CORNER LOTS

The rule to apply when assigning a number to a building on a corner lot is to assign a number from the street upon which the front entrance faces. Dual addresses shall be avoided.

Section 13. PROCEDURE FOR ISSUING HOUSE NUMBERS ALONG DIAGONAL, MEANDERING, AND CURVILINEAR ROADS

Where the road does not turn directly North-South or East-West, the general course of the road is to be used in determining the house numbering direction. A footage more or less than the 10.56 foot figure must be used in determining the proper house number interval. The correct base interval is obtained by dividing the actual distance of the road by 500.

A house number interval will be determined by dividing the feet a house is from the point of origin by the base interval for a particular road.

Section 14. NUMBERING ALONG ROADS STARTING FROM DIFFERENT POINTS ON THE SAME CROSS ROADS

When a road does not begin at the same location as a parallel road, the house number shall begin with the same house number measured from the baseline as on the parallel road.

Section 15. NUMBERING ON CIRCLE ROADS AND HORSESHOE SHAPED ROADS

Properties along circles roads, loop roads, and horseshoe shaped roads shall be numbered in consecutive order, pursuant to the procedure for calculating proper house numbers with even numbers on the inside of the circle and the odd numbers on the outside of the circle.

Section 16. NUMBERING WHEN THE ROADS CHANGE DIRECTION

If a road changes direction at a 60 degree angle or more and for a length of 300 feet or more, the numbering along the street shall be changed to reflect the orientation with a different baseline.

Section 17. NUMBERING APARTMENTS AND CONDOMINIUMS

Individual apartment buildings and group housing projects shall have one address number. Individual dwellings within the apartment complex shall be assigned suffix letters or numerals by the apartment complex management. House numbers shall be assigned to the buildings where a driveway or court joins the road and a number shall be the street address of all of the units, which face upon the driveway of an interior court.

Section 18. NUMBERING BUILDINGS IN BUSINESS AND INDUSTRIAL DISTRICTS

In a business and industrial district, each building facing the roadway, court, or plaza shall have its own designated address number.

Section 19. NUMBERING DUPLEX BUILDINGS

Separate house numbers shall be assigned to the entrances of a duplex house, for an upstairs dwelling, which has an outside entrance, and for separate duplex buildings in the rear of the other buildings.

Section 20. NUMBERING MOBILE HOME PARKS

Mobile home parks shall have one address number. Individual mobile home lots within the park shall be assigned lot numbers by the mobile home park management. The management shall cause to be displayed, the lot number of each lot as defined in these rules and regulation.

Section 21. NUMBERING LANDLOCKED PROPERTY

The procedure for calculating proper house numbers shall be used for numbering houses and buildings on landlocked properties. Private driveways and unparallel roads that service landlocked properties shall be given a name that is registered within and approved by the City of Clare.

Section 22. NUMBERING OFFICE SUITES

Office suite buildings shall have one address number. Individual suites within the office building shall be assigned suffix letters or numbers by the office building management.

Section 23. ADDRESS POSTING

- A. Each primary structure shall display a green sign and house number, with white reflective numbers.**
- B. The green sign and numbers shall be displayed on a six (6) foot steel "T" type post or stronger within ten (10) feet of the driveway and outside of the road right of way. The top of the sign shall be at no less than four (feet) above ground level and the top shall be no higher than six (6) feet. The sign shall be free of visual obstruction and be placed perpendicular to the road.**
- C. No mailbox shall be used for displaying the official house numbers as mailboxes do not provide identification of the location of the residences**

Section 24. FEE

A service fee shall be for the naming of a new road or the creation of a new address shall be as set by the City Commission from time to time by resolution.

Section 25. VIOLATIONS

Enforcement of a violation of any provision of this Ordinance shall be as follows:

- A. When a new address is created and provided green sign is not posted according to the specifications as stated in Section 23.0, the above fines and a denial of occupancy permit and/or final building inspection will be issued.**
- B. A person who violates the provisions of this Ordinance is responsible for a civil infraction and subject to a warning letter for the first violation. Fifteen (15) days after the issue of the warning letter, a fine of \$50.00 plus costs for the first violation. Fifteen (15) days after the first violation, a fine of \$150.00 plus costs for the second violation. Fifteen (15) days after the second violation, a fine of \$200.00 plus costs for any subsequent violation.**
- C. It shall be the responsibility of the owner, co-owner, or joint owner to maintain the green address sign and post per the requirements as stated in Section 23.0.**

- D. If a green sign and post are found missing, the owner, co-owner, or joint owner is responsible for the purchase of a new green sign and post.
- E. If a person provides proof that the violation was corrected within 30 days of the date of the issuance of the civil infraction citation, the fine and costs may be waived.
- F. Violation(s) of this ordinance shall be processed in compliance with MCL600.8701 et.seq.

Section 26. SAVING CLAUSE

The provisions of this Ordinance are hereby declared to be severable; and if any clause, sentence, word, section, paragraph, subparagraph, or provision is declared void or unenforceable, for any reason, by a court of competent jurisdiction, then the remaining portions of said Ordinance shall remain in full force and effect.

Section 27. GUIDELINES

The City of Clare will provide guidance and guidelines pertaining to the implementation of this Ordinance.

Section 28. EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days following date of publication as required by law. All Ordinances or part Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

Adopted by the City Commission of the City of Clare this _____ day of _____, 2009.

DIANE SCHMIDT, Clerk

RESOLUTION 2009-104

A RESOLUTION OF THE CLARE CITY COMMISSION ADOPTING ORDINANCE 2009-003.

WHEREAS, Consumer's Energy has historically provided the service of designating house numbers for new residential and commercial addresses; and

WHEREAS, said entity intends to terminate said service at year-end; and

WHEREAS, Clare County has drafted an ordinance stipulating that the County would commence providing house number and road naming services for all Clare County residences and businesses upon termination of said services by Consumer's Energy and that all residents and businesses would be required to comply with the provisions outlined within said new ordinance; and

WHEREAS, the Clare County Ordinance provides that villages and cities within Clare County may assume the responsibilities and prepotency for said service for property within their respective jurisdictions; and

WHEREAS, the City Commission has determined that providing said services and assuming said responsibilities for said services is in the best interests of the City and its residents and businesses; and

WHEREAS, the City Staff has prepared a House Numbering and Road Naming Ordinance to provide said services; and

WHEREAS, the City Commission held a public hearing to consider comment related to said Ordinance and receiving none, approved the first reading of said proposed Ordinance, and

WHEREAS, the City Commission approved a second reading of said proposed Ordinance at a scheduled meeting and subsequently considered said Ordinance and determined that adoption served the best interests of the City of Clare and its property owners.

THEREFORE IT IS HEREBY RESOLVED by the Clare City Commission that Ordinance 2009-003, a House Numbering and Road Naming Ordinance, is hereby adopted, the effective date of said Ordinance being fifteen days from this date.

BE IT FURTHER RESOLVED by the Clare City Commission that even though the effective date is fifteen days from this date, the City shall not commence providing said services until such time that Consumer's Energy ceases to provide said services and the Clare County House Numbering and Road Naming Ordinance becomes effective.

ALL RESOLUTIONS AND PARTS OF RESOLUTIONS INsofar AS THEY CONFLICT WITH THE PROVISIONS OF THIS RESOLUTION BE AND THE SAME ARE HEREBY RESCINDED.

The Resolution was introduced by Commissioner _____ and supported by Commissioner _____. The Resolution declared adopted by the following roll call vote:

YEAS:

NAYS:

ABSENT:

Resolution approved for adoption on this 5th day of October 2009.

DIANE SCHMIDT
City Clerk