MORGAN COUNTY, WEST VIRGINIA ADDRESSING ORDINANCE

AN ORDINANCE TO PROVIDE ASSIGNMENT OF NAMES TO STREETS AND ROADWAYS, AND IMPLEMENTATION OF MAINTENANCE OF THE MAPPING AND POSTING OF STREET SIGNS AND BUILDING NUMBERS IN MORGAN COUNTY, WEST VIRGINIA

In order to uniformly assign and maintain street addresses, and provide easy identification of those numbers for various purposes, and to promote the health, safety, and welfare of the citizens of the County of Morgan, West Virginia, MORGAN COUNTY enacts its 911 Addressing and Mapping Ordinance as follows:

WHEREAS, pursuant to WV Code Articles 7-1-3 and 7-1-3cc, and consistent with WV Code Article 24E-1-1 et seg., the MORGAN COUNTY Commission has the authority to provide for the elimination of hazards to public health and safety; to establish and regulate the naming and renaming of roads, ways, streets, avenues, drives, and the like, In cooperation with local postal authorities, the Division of Highways, and the directors of MORGAN COUNTY emergency communications centers; and to assure uniform, non-duplicative conversion of all rural routes to city-style addressing on a permanent basis; may cooperate with other governmental units, shall maintain and update the addressing and mapping framework within their jurisdictions, and,

WHEREAS, the establishment of an Enhanced 911 Emergency Telephone System in MORGAN COUNTY has been approved and implemented by the MORGAN COUNTY Commission; and,

WHEREAS, the establishment of such system requires the assignment of names to all roads and streets in MORGAN COUNTY, the assignment of building numbers to all buildings having telephones and/or occupancies, the erection of appropriate street signs at intersections; and the maintenance of a statewide mapping system, and,

WHEREAS, the MORGAN COUNTY Commission has the authority to delegate, contact, or cooperate with other governmental units to complete all necessary components of this Ordinance, for final approval by the MORGAN COUNTY Commission, and

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WHEREAS, the MORGAN COUNTY Commission has elected to participate in the Statewide Addressing and Mapping Project, pursuant to Title 169, Series 2 of the Code of State Rules, thus promoting the goal of prompt and accurate dispatch of emergency services or 911 personnel in MORGAN COUNTY, and thereby enhancing the safety of the lives and property of the citizens and residents of MORGAN COUNTY,

NOW, THEREFORE, BE IT ORDAINED THIS 1st DAY OF JULY, 2013

By the County Commission of MORGAN COUNTY, West Virginia, Ordinance Number 1.

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Section 1: APPLICABILITY

Section 1.1 The provisions of this Ordinance apply to all unincorporated areas of MORGAN COUNTY. The municipal corporations in MORGAN COUNTY have the option to adopt cooperative addressing ordinances, or to adopt their own stand-alone addressing ordinances. If a municipal corporation in MORGAN COUNTY does not act to adopt a cooperative or stand-alone ordinance within one hundred twenty (120) days of the date of enactment of this Ordinance, this Ordinance will apply to areas within the municipal corporations until, and unless, the municipal corporation acts to adopt a stand-alone ordinance.

Section 1.2 Pursuant to the Emergency Rules of the West Virginia Statewide Addressing and Mapping Board on file in the office of Secretary of State, Title 169, Series 2 of the Code of State Rules, the MORGAN COUNTY Commission elects to participate in the West Virginia Statewide Addressing and Mapping Project.

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Section 2: DEFINITIONS AS USED IN THIS ORDINANCE

Section 2.1 For the purpose of this Ordinance, the following terms, phrases, works, and their derivations shall have the meaning that is provided in the National Emergency Number Association (NENA) Standard Guidelines as referenced by the United States Postal Service, unless the context clearly indicates otherwise.

Section 2.2 "Address Number" means the number assigned to consecutive intervals along a road or street pursuant to the Number Assignment Formula contained herein.

Section 2.3 "Road" or "Street" means any public or private thoroughfare, used for vehicular traffic and/or any easement or right-of-way that provides soles access to more than two parcels or lots. This term shall be defined to include the "Street Suffix", and shall include, but is not limited to,: avenue, boulevard, drive, highway, lane, pike, or similar street suffix types.

Section 2.4 "Number Assignment Formula" means as follows: Beginning from the point of origin of each respective named road or street, a house number shall be assigned for each interval, with each interval on the right side of the roadway as one leaves the point of origin being assigned an even number, and each interval on the left side as one leaves the point of origin being assigned an odd number. Left and right shall be determined from the perspective of a traveler moving away from the road point of origin in a forward motion.

Section 2.5 "Interval" means the distance along a roadway centerline of 5.28 feet, there being 1,000 intervals per centerline mile, and creating 500 (even address numbers) intervals of 10.56 feet per centerline mile on the right side of a road, and 500 (odd address numbers) intervals of 10.56 feet per centerline mile on the left side of a road.

Section 2.6 "Point of Origin" means the end point of a road, which is the starting point for an addressing numbering sequence. The points of origin for MORGAN COUNTY shall be the "Ladies Spring" in the

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Berkeley Springs State Park, and the West Virginia State Route 9 bridge over the Potomac River in the Town of Paw Paw.

Section 2.7 "Primary structure" means, but is not limited to, residential building, mobile home parks, commercial building, industrial building, office building, public building, utility, and/or communications tower.

Section 2.8 "Display" means the manner the numbers are affixed to a structure or otherwise displayed when affixing to a structure.

Section 2.9 "Non-compliance" means any failure to comply with the provisions of this Ordinance including, but not limited to, by way of example: a number out of sequence, odd or even number on the wrong side of street, rural box numbers in a 911 address area, numbers improperly affixed, numbers illegible, numbers unclear, numbers obstructed, numbers not visible, numbers not present, numbers of improper size, numbers not in high contrast with immediate background, weatherworn numbers, wrong numbers, and non-approved numbers.

Section 2.10 "Occupant" is any person, firm, entity, partnership, trust, corporation, association, or other organization that is occupying or leasing a building or other property for a period exceeding thirty (30) days.

Section 2.11 "Owner" is any and all persons, firms, entities, partnerships, trusts, corporation, associations, or other organizations that own the fee title to, or have an undivided interest in, any building or property, which is subject to the provisions of this Ordinance.

Section 2.12 "City-type address" means a unique address for a structure using a building number and a street name. "City-type addresses" are based on an address system, which means that they usually appear in a consistent numeric sequence along a street and reflect parity conventions (that is, odd numbers all appear on one side of the street and even numbers on the other). If number assignment is based on a standard numbering interval, then the "city-type

address" will also logically provide a distance location from the beginning point of the road.

Section 2.13 "Emergency services purposes" means use for 911 or enhanced 911 dispatch and response.

Section 2.14 "West Virginia Statewide Addressing and Mapping Project" means the project for the creation of a statewide addressing and mapping system for emergency services purposes, but usable as a base for other purposes, in accordance with and consistent with Chapter 24E, Article 1 of the West Virginia Code.

Section 2.15 "West Virginia Statewide Addressing and Mapping System" or "the System " means the system to be created as a result of the Project, in which MORGAN COUNTY Commission is participating, including, without limitation, the establishment of city-type addressing and mapping systems essential to the prompt and accurate dispatch of emergency service providers. The terms "Statewide Addressing and Mapping System" and "the System" also include any local modifications that may be made to the System in order to tailor it to meet specialized local concerns.

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Section 3: APPOINTMENT AND DUTIES OF ADDRESSING AND MAPPING COORDINATORS

Section 3.1 The Mapping and Addressing Coordinator is hereby appointed by the MORGAN COUNTY COMMISSION. In addition to the duties set forth elsewhere in this Ordinance, the MORGAN COUNTY Addressing Coordinator has the following duties:

Section 3.1.1 The MORGAN COUNTY addressing Coordinator shall recommend names, for approval by the MORGAN COUNTY Commission, to any public or private road or street in MORGAN COUNTY, which provides access to two or more occupied buildings.

Section 3.1.2 The MORGAN COUNTY Addressing Coordinator shall negotiate with residents along streets or roads bearing duplicate or confusingly similar names in MORGAN County and to recommend names changes of such roads or streets to eliminate such duplication or confusing similarity. The MORGAN COUNTY Addressing Coordinator shall direct the placement of street signs at intersections within MORGAN COUNTY. The initial costs of such signs and installation will be funded by the MORGAN COUNTY Commission for all unincorporated areas of MORGAN COUNTY.

Section 3.1.3 The MORGAN COUNTY Addressing Coordinator shall recommend a "MORGAN COUNTY Road Name Index" for adoption by the MORGAN COUNTY Commission and filing in the Office of the MORGAN County Clerk. This Index is to be the official listing of names for streets and roads in MORGAN COUNTY and such streets and roads are hereby assigned the names listed therein. As used in the Ordinance, the terms "street" and "road" shall have the same meaning and shall also include but not limited to avenues, boulevards, highways, lanes, ways, and similar street types and suffixes.

Section 3.1.4 The MORGAN COUNTY Addressing Coordinator shall cooperate with the West Virginia Statewide Mapping and Addressing Board, the Board's Project manager, the MORGAN COUNTY 911 Director, the

West Virginia Enhanced 911 Council, the MORGAN COUNTY'S Assessor's office, municipal corporations within MORGAN COUNTY, the United States Postal Service and other interested agencies and persons in order to accomplish, within MORGAN COUNTY, city-type addressing and other systems essential to the prompt and accurate dispatch of emergency service providers or other emergency services or 911 purposes, and for such other goals of the West Virginia Statewide Addressing and Mapping project. The MORGAN COUNTY Addressing Coordinator may not, however, take any official action not expressly authorized in this Ordinance or otherwise by the MORGAN COUNTY Commission.

Section 3.1.5 In applying this Ordinance and the guidelines in the West Virginia 911 Addressing handbook, the MORGAN COUNTY Addressing Coordinator shall have the authority, in cooperation with the above agencies, to interpret this Ordinance to ensure a logical and efficient numbering and street addressing system,

Section 3.2 The MORGAN COUNTY Mapping and Addressing Coordinator shall be appointed by the MORGAN COUNTY COMMISSION. The MORGAN COUNTY Mapping Coordinator shall cooperate with the West Virginia Statewide Mapping and Addressing Board, the Board's Project Manager, the MORGAN COUNTY 911 Director, the West Virginia Enhanced 911 Council, the MORGAN COUNTY Assessor's office, municipal corporations within MORGAN COUNTY and other interested agencies and persons in order to accomplish, within MORGAN COUNTY, Digital mapping and other systems essential to the prompt and accurate dispatch of emergency service providers or other emergency services or 911 purposes, and for such other goals of the West Virginia Statewide Addressing and Mapping Project. The MORGAN COUNTY Mapping Coordinator may not, however, take any official action not expressly authorized in this Ordinance or otherwise by the MORGAN COUNTY Commission.

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Section 4: INTERPRETATIONS AND APPLICATION

Section 4.1 This Ordinance is to be interpreted and applied consistent with the West Virginia Statewide Addressing and Mapping System. The MORGAN COUNTY Addressing Coordinator and the MORGAN COUNTY Mapping Coordinator shall make any necessary application to the Board for a waiver or for local modifications of the Systems in order to tailor it to this Ordinance.

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Section 5: STRUCTURE AND LOCATION NUMBERING AND DISPLAY

Section 5.1 Whenever any house, building, or structure is erected or located after the initial establishment of the uniform numbering system as provided herein, it shall be the duty of the property owners to procure the correct number or numbers for the property and to affix these numbers to the building in accordance to this Ordinance. The owner shall place or cause to be placed upon each house or building controlled by him the number or numbers assigned under the uniform number system within thirty (30) days of notification of the assigned address. The cost of posting the address shall be the responsibility of the property owner.

Section 5.2 The owner shall file an application for an address assignment with the MORGAN COUNTY Addressing Coordinator or such other duly authorized agent of the MORGAN COUNTY Commission. No address may be assigned until the footer driveway entrance is in place and properly inspected. The address must be issued not later than sixty (60) days following identification of address and installed on the structure prior to final inspection.

Section 5.3 Display of Number-Residential Structure-Each primary structure must display the number of the address assigned to that address. The street number for residences shall be in accordance with the BOCA National Property Maintenance Code, Section PM-303.3, Exterior Structure, Premises Identification. The numbers shall be in Arabic numerals at least three (3) four (4) inches in height, and of a durable and clearly visible material. The numbers shall be placed on, above, or at the side of the main entrance so the number is clearly visible from the public right-of-way, a number shall also be placed at the end of a driveway, or property entrance. Address numbers are to be a contrasting color to the reflective background on which they are mounted.

Section 5.5 The owner or person in charge of any house, building, mobile home, or other structure to which a number has been assigned

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shall affix the number as outlined in this Ordinance within thirty (30) days after the receipt or notification of such number.

Section 5.6 Display of Number-Commercial and Industrial Structure-Address numbers for commercial and industrial structures must follow BOCA PM 303.3 code regulations of at least six (6) inches in height. The number must be placed above or on the main entrance to the structure when possible. If such number is not clearly visible from the public right-of-way, the number must be placed along a driveway or on a sign visible from the same. Address numbers are to be a contrasting reflective color to the background on which they are mounted.

Section 5.7 Display of a Number-Apartments and Similar-The address number assigned to a single building number shall be displayed on each assigned structure following the BOCA PM 303.3 code. Numbers and /or letters for individual apartments or units within these complexes must be displayed on, above, or to the side of the main doorway of each apartment or unit. It shall be the responsibility of the property owner to affix apartment or unit numbers.

Section 5.7.1 Display of Number-Trailer Park and Similar-The address number assigned to a trailer within an organized trailer park must be one address number for the trailer park with each trailer assigned a lot or space number. The lot or space number must be posted and permanently affixed to the lot identifying the lot or space number. The main address to the trailer park must be posted at the entrance of the park. Address numbers are to be a contrasting reflective color to the background on which they are mounted.

Section 5.8 The combination of such an address number and the road or street name must be the official address of such primary structure.

Section 5.9 All costs to individuals or households in complying with this section of the Ordinance must be borne by that individual or household.

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Section 6: ROAD NAMING

Section 6.1 The "MORGAN COUNTY Road Name Index" is to be the official listing of names for the streets and roads in MORGAN COUNTY.

Section 6.2 No street with in MORGAN COUNTY may be assigned a name on a subdivision plat or otherwise until such name is registered with the MORGAN COUNTY Commission, approved, and added to the MORGAN COUNTY Road Name Index. The MORGAN COUNTY Commission or the duly authorized agent shall have the authority to refuse registration of any name already in use, confusingly similar to a name already registered, deemed confusing for purposes of emergency response, or deemed inappropriate by the MORGAN COUNTY Commission.

Section 6.3 No street name currently shown on a subdivision plat filed with MORGAN COUNTY or otherwise shall be implemented by a subdivision owner until such name has been registered, approved and added to the MORGAN COUNTY Road Name Index. The MORGAN COUNTY Addressing Coordinator shall have the authority to refuse the registration of any name already in use, confusing for the purposes of emergency response, or deemed inappropriate by the MORGAN COUNTY Commission.

Section 6.4 Road names may not duplicate road names already assigned, irrespective of road names prefixes or suffixes except for roads located within different corporations.

Section 6.5 A street name may not be differentiated using the same name by changing the street suffix such as a street or avenue.

Section 6.6 A Street may have only one name throughout its entire length unless approved as an exception by the MORGAN COUNTY Commission.

Section 6.7 Following the completion of the address conversion portion of the Statewide Addressing and Mapping Project within MORGAN COUNTY, there shall be a moratorium on changes in road and street

names in the unincorporated parts of MORGAN COUNTY for a period of two (2) years.

Thereafter, a petition requesting a change in name, signed by owners of eighty percent (80%) of the parcels on the street whose names is proposed to be changed, shall be filed with the MORGAN COUNTY Mapping and Addressing Office. Such petition should not be filed until the MORGAN COUNTY Commission, or duly authorized agent, confirms the availability of the proposed name, but, not later that ninety (90) days following such confirmation.

Documentation such as a tax bill or deed, showing the ownership of each signatory to the petition must accompany the petition at the time of the filing.

A non-refundable deposit of **$200.00** shall accompany the petition. Upon approval of the name change, the petitioner shall be obligated to pay MORGAN COUNTY for the actual costs incurred by the name change.

Residents along the affected road or street shall be responsible for advising the United States Postal Service of such road or street name change. The MORGAN COUNTY Addressing Coordinator may also provide notice of such change to the United States Postal Service.

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Section 7: ROAD / STREET SIGNS

Section 7.1 All new street signs erected within MORGAN COUNTY must be in conformance with the specifications of this section, unless the West Virginia Department of Transportation, Division of Highways, or the MORGAN COUNTY Commission MORGANs a variance.

Section 7.2 The owner of any subdivision or other development shall erect or cause to be erected street signs in conformance with this Ordinance at any and all intersections within such subdivision or development upon construction of any street on or after the effective date of this Ordinance, unless, by a vote of the MORGAN COUNTY Commission, such responsibility is assumed by the MORGAN COUNTY Commission or its duly authorized agent. Where any subdivision owner is currently required to erect street signs but has failed to do so, the future erection of street signs shall be in conformation with this Ordinance.

Section 7.3 Sign Specifications-all signs erected shall be in conformance at minimum, to West Virginia Department of Transportation, Division of Highways specifications as defined in the "Standards for the Design and Installation of Road Name Signing" published March 1999.

Section 7.4 Signage which is damaged or destroyed shall be the responsibility of the individual(s) causing such damage or destruction, whether by negligence or otherwise. The agency or individual(s) responsible for maintenance of the damaged sign shall have the authority to recover the costs of replacing the sign from the individual(s) causing such damage or destruction.

Section 7.5 Any such person found to be responsible for damage or destruction of any road or street sign shall pay MORGAN COUNTY all of the costs for such damage or destruction, including but not limited to, costs for sign removal and replacement. Failure to pay for damage or destruction may result in legal action against the responsible party for all costs, such a court costs and responsible attorney fees.

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Section 7.6 Signage which is removed shall be the responsibility of the individual(s) causing such removal, whether by negligence or otherwise. The agency or individual(s) responsible for maintenance of the sign shall have the authority to recover the costs of replacing the sign from the individual(s) causing such removal.

Section 7.7 Any such person found to be responsible for removal of any road or street sign shall pay MORGAN COUNTY all the costs for sign replacement, including cost for posts, brackets and installation of said sign. Failure to pay for sign replacement may result in legal action against the responsible party for all costs, such a court costs and responsible attorney fees.

Section 7.8 Any such person found to be responsible for damage, destruction or removal of any road or street sign may be charged criminally under WV Code §61-3-30 and/or WV Code §61-3-13(b) or may be charged under section 10.1 of this ordinance at the discretion of the MORGAN County Commission.

Section 7.9 Any person or persons who own the right-of-way to a named road may install a "PRIVATE DRIVE" sign to indicate to the public that it is just that, a private drive and not for general travel, and do so at their expense. The owner(s) would have to purchase and install the signage. The "PRIVATE DRIVE" sign must be made of the same material and be of the same design (i.e. letter sizing, color, etc.) as the road name sign and be attached to, and above, the road name sign to maintain the continuity and appearance of the original sign.

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Section 8: MAPPING

Section 8.1 The MORGAN COUNTY Commission hereby adopts the Statewide Addressing and Mapping System as the base map for MORGAN COUNTY.

Section 8.2 Emergency services of 911dispatch within MORGAN COUNTY must utilize the Statewide Addressing and Mapping System, when completed.

Section 8.3 The core layers of maps for MORGAN COUNTY may include, but need not necessarily be limited to, CADASTRAL, ELEVATION, GEODETIC CONTROL, GOVERNMENTAL UNITS, HYDROGRAPHY, ORTHOIMAGERY, TOPOGRAPHIC MAPS and TRANSPORTATION.

Section 8.4 The application layers of maps for MORGAN COUNTY may include, but need not be limited to, Geology, Land Cover, Soils, Water Sources, HazMat Sites and Emergency Resources, etc.

Section 8.5 The MORGAN COUNTY Mapping Coordinator shall propose a plan for the future maintenance of the maps for MORGAN COUNTY that are to be delivered by the West Virginia Statewide Addressing and Mapping Board to MORGAN COUNTY Commission pursuant to West Virginia Code Article 24E-1-1, et seq. The MORGAN COUNTY Mapping Coordinator shall seek the advice of the West Virginia Statewide Addressing and Mapping Board, the MORGAN COUNTY 911 Director, the West Virginia Enhanced 911 Council, the MORGAN COUNTY's Assessor's Office, and other interested agencies and persons prior to proposing such a plan. The MORGAN COUNTY Mapping Coordinator shall propose such plan no later than the date that the maps are ready for delivery.

Section 8.6 The MORGAN COUNTY Mapping Coordinator, as from time to time authorized by the MORGAN COUNTY Commission, may delegate, contract, or cooperate with individuals, companies, corporations, governmental organizations or sub-divisions to coordinate, update and maintain the MORGAN COUNY base map.

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Section 9: APPEALS, AMENDMENT, CONFLICT WITH OTHER LAWS, VALIDITY

Section 9.1 During the initial project stage and prior to the completion of the Statewide Addressing and Mapping Project within MORGAN COUNTY, any requests concerning road name changes and/or addressing complaints will first be directed to the MORGAN COUNTY Addressing Coordinator, or other duly authorized agent of the MORGAN COUNTY Commission, within thirty (30) days from the time of road name or address assignment. If the initial contact does not satisfy the individual's concern, he or she may appeal the decision to the MORGAN COUNTY Commission for final disposition provided, however, that all such appeals must be filed no later than 10 days after the decision. The Commission may, at its discretion, hear such appeals as oral argument or may rule based upon the written appeal. All such appeals shall be decided on or before 30 days after the appeal is heard.

Section 9.2 After implementation of the Statewide Addressing and Mapping System within MORGAN COUNTY, any concerns, problems, or complaints regarding the naming and numbering system are to be handled on a case-by-case basis by the MORGAN COUNTY Addressing or Mapping Coordinator, as the case may be, and if necessary, by the MORGAN COUNTY Commission.

Section 9.3 Amendment-by lawful procedure, the MORGAN COUNTY Commission may, from time to time, amend, supplement or change the provisions of this Ordinance.

Section 9.4 Conflict with Other Laws-Where the provision of this Ordinance imposes greater restrictions than those of any other ordinance or regulation, the provision of this Ordinance shall be controlling. Where the provision of any statute, other ordinance or regulation imposes greater restrictions than this Ordinance, the provisions of such statute, ordinance or regulations shall be controlling.

Section 9.5 Validity-If any article, section, subsection, paragraph, clause, or provision of this Ordinance shall be declared by a court of

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competent jurisdiction to be invalid, such decisions shall not affect the validity of this Ordinance as a whole or any other part thereof.

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Section 10: PENALTIES AND ENFORCEMENT

Section 10.1 It is unlawful for any person to violate this Ordinance. When it appears that a violation of this Ordinance has occurred, the responsible party shall be notified by means of a written Violation Notice. The Violation Notice shall specify the nature of the violation and shall request that the violation be terminated within 30 days from the date appearing on the notice. After thirty (30) days of non-compliance from the time of written notification, the violation of any section of this Ordinance shall be deemed a misdemeanor punishable by a fine of not to exceed five hundred dollars ($500.00). Each day a violation continues shall constitute a separate offense.

Section 10.2 Whenever the MORGAN COUNTY Commission's duly authorized agent has reason to believe there has been or there exists a violation of this Ordinance, the Commission shall give written notice of such violation to the person failing to comply, and order the person to take corrective measures within thirty (30) days from date of notification. If such person(s) fail to comply with the duly issued order, the MORGAN COUNTY Commission shall initiate necessary actions to terminate the violation through the MORGAN COUNTY Court.

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Section 11: ADOPTION AND SIGNATURES

Section 11.1 This Ordinance is effective

Adopted this _____Day of _____ 2015.

MORGAN COUNTY COMMISSION

_____

Bradley J. Close, President

_____

Robert L. Ford, Commissioner

_____

Joel R. Tuttle, Commissioner

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