

# **Montcalm County**

# **Address Ordinance**

*(Revisions dated 4/27/01)*

(Amended 03/08/04)

(Amended 06/26/06)

(Amended 09/24/12)

(Amended 10/15/14)

(Amended 7/25/16)

## **ARTICLE I**

### **TITLE, PURPOSE, AND LEGAL CLAUSE**

#### **Section 1.01 – Title**

This ordinance shall be known as the Montcalm County Address Ordinance of 1994 as amended in 2001, and hereinafter referred to as the “Ordinance”.

#### **Section 1.02 – Purpose**

The purpose of this Ordinance is to establish a county system of assigning addresses to buildings and public utilities requiring addressing to facilitate the locating of buildings in order to protect the public health and safety by enabling a quicker response time by police, fire, ambulance, and other emergency services; and to provide for more efficient delivery of county services such as building inspections, soil evaluations, health inspection, property tax administration, property mapping, and other county affairs’ and to provide for efficient parcel delivery, and U. S. Mail delivery in Montcalm County by:

- A. Creating a formal numbering system with standards and regulation for assigning addresses.
- B. Creating a coordinated system with standards for the naming of public roads and private drives.
- C. Providing for notification of interested parties of assigned address numbers and road names.
- D. Coordinating this ordinance with other county or municipal ordinances.
- E. Providing minimum standards and regulation for display of addresses.
- F. Providing for the creation of a master record of addresses.
- G. Providing for the enforcement of this ordinance.
- H. Establishing a process for dealing with pre-existing addressing errors.

#### **Section 1.03 – Legal Basis**

This Ordinance is enacted pursuant to Section 11 of Michigan public act 156 of 1851, as amended, being Michigan Compiled Law 46.11.

#### **Section 1.04 - Address Ordinance Administrator**

The Board of Commissioners shall appoint a person from an appropriate County department or County-related authority to be the Address Ordinance Administrator. The Administrator shall have overall responsibility for administration and coordination of this Ordinance including enforcement.

## **Section 1.05 Effect on Local Government Ordinances**

Any city, village or township that has previously enacted or subsequently enacts an ordinance which virtually duplicates or fully achieves the purpose of this Ordinance may request the Board of Commissioners to exclude that city, village or township from the provisions of this ordinance. The Board of Commissioners may, by resolution, exclude a city, village or township from the provisions of this Ordinance.

## **Section 1.06 Cities of Excluded Local Governmental Units**

Local units of government which have been excluded shall provide to the Address Ordinance Administrator and Central Dispatch Department (911 system) the information listed below.

- A. A copy of the local Address Ordinance.
- B. The names of any proposed new streets (public or private) before they are actually approved.
- C. A list of all new addresses along with the name of the owner/occupant.
- D. A list of any address changes made. This list shall contain the name of the owner/occupant, old address, new address, and date the address became effective.
- E. Changes in street names and/or number range for existing streets.
- F. Copies of maps for proposed new subdivisions.
- G All parcels that lie within township boundaries will be required to use the adopted County numbering system. The Ordinance Administrator shall be notified by the County Clerk of an annexation prior to public hearings so appropriate numbering systems can be implemented at the time of the official change of municipal jurisdictions.

Except for the copy of the local Address Ordinance, the items listed above shall be furnished on a monthly basis.

## **ARTICLE II**

### **DEFINITIONS**

#### **Section 2.01 – Use of Words and Terms**

For the purpose of the Ordinance, certain terms are defined. When not inconsistent with the context, the present tense includes the future and singular usage includes the plural usage. The word “shall” is always mandatory. The word “person” includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

#### **Section 2.02 – Definition**

Any word or term not defined herein shall be interpreted within its common and approved usage.

ADDRESS means the combination of a number and a road name.

ADDRESS NUMBER means a set of numbers.

ADDRESS ORDINANCE ADMINISTRATOR is the person, appointed by the Board of Commissioners, who has overall responsibility for administration and coordination of this ordinance, including enforcement. Also known as Administrator.

BASE LINE is continuous east/west line along the south township line of Pierson, Maple Valley, Pine, Douglas, Day, and Ferris Townships.

BUILDING means a combination of material, whether portable or fixed forming a structure affording a facility or shelter for use or occupancy by persons, animals, or property.

BUILDING DEPARTMENT means the Montcalm County Building Department.

EQUALIZATION DEPARTMENT means the Montcalm County Equalization Department. Also known as Equalization.

MERIDIAN LINE is a continuous north/south line along the west township line of Home and Day Townships on the north half of the county, and Evergreen, and Bushnell Townships on the south half of the county.

MICHIGAN DEPARTMENT OF TRANSPORTATION also referred to as MDOT.

MONTCALM COUNTY CENTRAL DISPATCH also referred to as Central Dispatch.

OFFICE BUILDING a single building comprised of one or more office units intended for use as individual businesses.

PRINCIPAL BUILDING means the primary or predominant building located on a parcel of land.

ROAD means any vehicular way which is a state, county, or municipal roadway or is shown on an approved and recorded subdivision plat, or is a private drive that serves two (2) or more existing lots.

ROAD COMMISSION FOR MONTCALM COUNTY also referred to as Road Commission.

ROAD NAME means the road prefix, a proper name and a road suffix. No State, Federal, or County numeric designations such as M-57, Old M-82 or US-131 shall be considered a road name.

ROAD PREFIX shall be considered North, South, East or West and shall appear just before the proper name and shall be abbreviated N., S., E., or W.

ROAD SUFFIX shall consist of Alley, Avenue, Boulevard, Center, Circle, Court, Creek, Drive, Lane, Place, Road, Street, Trail, View, Way and shall appear just after the proper name. The abbreviations used shall comply with United States Postal Service Postal Addressing Standards Publication 28 (1997) Appendix C.

### **ARTICLE III**

## **ROAD NAMES**

### **Section 3.01 – Approval Agency**

The Administrator shall coordinate the naming of newly established public and private roads within the county. The final decision on public road names shall remain with the Montcalm County Road Commission. The final decision on private road names shall remain with the Administrator. Any municipality exempted in Section 1.05 would retain rights to private and public road naming, but shall coordinate those with the Administrator. Within the Ordinance these agencies are referred to as “the final approval agency”.

### **Section 3.02 – Similar Road Names**

The Administrator shall not recommend or approve a road name which is the same or similar in spelling or pronunciation to an existing road within Montcalm County.

### **Section 3.03 – Naming of New Roads**

A property owner or plat proprietor shall make application for approval of a proposed road name on a form provided by the Administrator. Upon receipt of a road name application the Administrator shall review the proposed road names in consultation with the Equalization Department and the Montcalm County 911 Coordinator, and, when appropriate, the staff of the Montcalm County Road Commission; and/or the Michigan Department of Transportation; and/or the governmental unit exempted under Section 1.05.

The Administrator or his/her designee shall notify the applicant and the appropriate final approval agency of the acceptance or rejection of the proposed names along with the rationale for the decision within seven working days.

### **Section 3.04 – Changing Existing Road Names**

It is the intent of this ordinance to discourage the practice of changing existing road names except in situations where two identical or similar road names exist, or in other circumstances that clearly make the accurate dispatching of emergency vehicles impractical. A road name may also be changed when one road has two commonly used names or where portions of what appears to be the same road have two or more names.

A road name change may be ordered by the appropriate approval agency upon receipt of a written recommendation from the Administrator. Before recommending a change in road name, the Administrator shall consider the official road name as recorded on plats and deeds of adjacent property and the most accurate historical name of the road in question. Disturbance to existing legal documents shall be of primary consideration in determining the single road name when two or more names are commonly used.

### **Section 3.05 - Private Drives**

- A.** Private drives, whether pre-existing or created after the adoption of this Ordinance shall be named when two (2) or more addresses served by the private drive exist or are established. If the previous addresses were numbered on the adjoining road

they shall be changed to appropriate addresses using the private drive name.

- B. The owners/residents shall be consulted before a name for the private drive, other than the one first proposed, is selected and approved. The selection of a name for a private drive shall be coordinated with the Administrator and 911 Coordinator. In the event the owners/residents cannot be reached, the seven-day notification referred to in Section 3.03 is hereby waived.
- C. The applicant causing the change to occur on the private drive shall pay a fee of \$300.00(to cover the cost of both a street sign and stop sign) when the private drive intersects with the public road (or \$300.00 for street sign only for private roads that intersect only with other private roads) to the Administrator which will be applied to the cost of having the Montcalm County Road Commission supply and erect the sign(s). The Montcalm County Road Commission will erect the sign(s) within 30 days of notification and will notify the Administrator immediately upon completion.
- D. The appearance and placement of these signs shall meet Road Commission standards and regulations. The lettering shall include the word "Private" or the abbreviation "Pvt." to distinguish this road from public roads.
- E. Once the sign(s) is/are installed by the Montcalm County Road Commission, maintenance of the private drive sign(s) shall become the mutual responsibility of those property owners who access their property from the private drive or who are addressed on the private drive. Unreadable or missing sign(s) will be replaced within 30 days of notice from the Administrator

### **Section 3.06 – Numbering Office Suites**

- A. Office suite building shall have an address number. Individual suites within the office buildings shall be assigned suffix letters or numerals by the office building management.
- B. Suffix letters and/or numerals assigned to office suites, and other buildings divided into address units shall first be registered with and approved by the Address Administrator.

## **ARTICLE IV**

### **ADDRESS NUMBERING**

#### **Section 4.01 - Approval Agency**

The Administrator shall have overall jurisdiction over address numbers and shall insure that an address number does not duplicate the number for any building considered to be along the same road.

#### **Section 4.02 – Rural Address Numbering System**

The rural address numbering system, which is structured as follows, shall generally be used except when other existing municipal systems are more appropriate as determined by the Administrator or as exempted in section 1.05.

- A. Numbers shall start with zero (0) at the base line or the meridian line and increase consecutively from those points.

- B. In both directions from the base line or the meridian line, address numbers shall be evenly spaced, one thousand (1000) between section lines. Such address numbers shall continue in the same manner by 1,000 whole numbers for each section of each township.
  - 1. When facing away from the base line or the meridian line in the direction of the road, odd numbers shall be on the left and even numbers shall be on the right.
- C. Roads which are not aligned due north-south or due east-west or that meander shall be numbered as a north-south road if the major portion of the road within Montcalm County runs north-south, or shall be numbered as an east-west road if the major portion of the road within Montcalm County runs east-west.
- D. Once a road has address numbers assigned to buildings then that road shall always be considered a north-south road or an east-west road as determined by the original numbers assigned.
- E. Upon determination of the Administrator, address numbers in common use prior to the adoption of this Ordinance may continue to be used if:
  - 1. The existing address numbers run consecutively in the same direction as the county address system for that side of the base line or the meridian line.
  - 2. The system is definable and can be administered and maintained for future construction of buildings.
- F. Addresses shall be assigned on the road in which the principle driveway exists

### **Section 4.03 – Changing Address Numbers**

It shall be the policy of this ordinance to discourage the practice of changing existing addresses or address numbers which are already in use except:

- A. If the existing address number is not in sequence and/or does not run consecutively in the same direction as the county address system or if the address number fails to observe the odd-even protocol established in Section 4.02.
- B. If the existing number is such that the assignment of address numbers for new buildings is not practical and in keeping with the requirements of this ordinance
- C. When a new road is constructed, or recognized, which results in the most appropriate address for a building to be on the new road rather than the original road such as where a building was previously located on an extended drive which subsequently becomes a private drive.
- D. When an address is duplicated.
- E. In unusual circumstances where an address threatens the health, safety and/or welfare of the public, the Administrator and 9-1-1 Coordinator shall have the authority to assign address(s) as necessary to remedy the problem. In unusual circumstances, where it is preferable that only one numbering system is used to define a segment, or where anomalies occur that are not covered in the current numbering system and threatens the health, safety and/or welfare of the public, the Administrator and 9-1-1 coordinator shall have the authority to assign address(s) as necessary to remedy the problem. The Administrator will provide a sign with the new address number which the landowner will display as directed by the Administrator.

- F. If a building has been removed or destroyed, the address is null and void. Requests for a building permit, on a prior existing site, requires address verification.

**Section 4.04 – Notice and Enforcement**

The Administrator is responsible for insuring that the proper notice and enforcement procedures are followed.

- A. When a person submits an application for an address, the department designated by the Montcalm County Board of Commissioners shall assign an address and provide the person with the following information. The application will be provided by the Administrator.
  - 1. The address number.
  - 2. The road name
  - 3. The township.
  - 4. The section number
  - 5. The parcel number.
  
- B. When a person's address is changed pursuant to this ordinance the Administrator shall notify the resident and owner, if different, on a form that contains the following:
  - 1. The old address.
  - 2. The new address.
  - 3. The reason for the change.
  - 4. The effective date of the change.
  - 5. Right and procedure to appeal (including information in Section 4.04 D).
  - 6. Warning about false indication of compliance.
  
- C. When a person submits an application for a road name, the Administrator will provide the person with the following information:
  - 1. Road Name
  - 2. Township Name
  - 3. Section Number
  
- D. In cases where an existing address is changed, the Administrator shall send a written notice to the affected resident. Said notice shall explain the reason for the address change.
  - 1. The resident shall be requested to voluntarily comply with the address change within a thirty (30) day period of time and to report completion of such change to the Administrator immediately after the change is made, or appeal the change by requesting a hearing as provided for in this ordinance.
  - 2. An appeal must be filed within thirty (30) days of the postmark on the notice of the address change. Leave to file an appeal after thirty (30) days may be granted by the Administrator upon a finding that the resident was out of the area when the notice was mailed.

4. If the resident has not properly displayed the new number on completion of thirty (30) days the Administrator shall send a final notice of violation of this ordinance.

E. In case where an existing address is changed, the Administrator shall send a written notice to the unit of government where the affected property is located. Said notice shall contain the following information:

1. Name of property owner
2. Property parcel number
3. Old address
4. New address
5. Effective date of change

F. Notice of Violation

1. For violations of this ordinance, the administrator shall send, by registered mail, a final notice of violation stating the amount of time, which shall not exceed thirty (30) days, during which the resident and /or owner must comply with the ordinance.
2. If the violation remains at the end of the prescribed period of time, the Administrator shall issue either a municipal civil infraction violation notice or municipal civil infraction citation, pursuant to Article VI below and the Montcalm County Civil Infraction Ordinance.

#### **Section 4.05 – Master Address File**

The Administrator shall keep a master file of assigned addresses and corresponding property identification numbers.

### **ARTICLE V**

#### **DISPLAY OF ADDRESS**

##### **Section 5.01 – Display**

All buildings shall be required to display an address number in the manner prescribed in this ordinance.

The resident, occupant, or owner of the property where an address has been assigned shall display the address number in such a manner as will be plainly visible and legible from a vehicle traveling on the road that is named in the address. The address numbers shall be displayed at a height of at least three (3) feet above grade and not higher than six (6) feet above grade. All numbers shall be Arabic numerals of at least three (3") inches in height (or larger) and of a color that contrasts with the background color of the structure supporting the numbers. When the principal building is located more than one-hundred (100) feet back from the traveled centerline of the road that is named in the address, or the view of the building is obstructed by trees, shrubs, or another building, the address number shall be displayed in one of the following manners:

- A. Attached to a fixed object located within twenty (20') feet of the centerline of the driveway and between ten (10') and twenty (20') feet back from the edge of the traveled roadway provided that any sign used to comply with this Ordinance must also comply with applicable zoning regulations concerning the location and size of signs.
- B. On both sides of a mailbox located within twenty (20') feet of the centerline of the driveway on the same side of the road as the principal building or within ten (10') feet of the extended centerline of the driveway on the opposite side of the road provided that the view of both sides of the mailbox is not obstructed by other mailboxes or newspaper delivery boxes. The use of mailboxes to comply with the address number display requirements of the Ordinance is subject to the regulations of both the post office and the governmental organization which maintains the road.

## **ARTICLE VI**

### **PENALTIES AND EFFECTIVE DATE**

#### **Section 6.01 – Penalties**

- A. Any violation of any provision of the Ordinance, or any exception granted thereunder, shall be a municipal civil infraction. A violation includes any act which is prohibited or made or declared to be unlawful or an offense and any omission or failure to act where the act is required by the Ordinance.
- B. The sanction for any violation of the Address Ordinance which is a municipal civil infraction shall be a civil fine as provided in Section 6.01a, plus any costs, damages, expenses and other sanctions, as authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended, and other applicable laws.
- C. The Address Ordinance Administrator, his designees and deputies of the Montcalm County Sheriff are the County officials authorized to issue municipal civil infraction citations and municipal civil infraction violation notices for violations of the Ordinance.
- D. In addition to enforcement of violations as municipal civil infractions, enforcement of violations of this Ordinance may be accomplished by civil action, along with any other remedies provided by law. Violation of the Ordinance is hereby declared a nuisance, per se, and adjudication of responsibility for a municipal civil infraction violation of this Ordinance shall not preclude other civil proceedings to abate such nuisance.
- E. Each day that a violation exists constitutes a separate infraction.
- F. No certificate of occupancy shall be issued by the Building Official with jurisdiction to a new building which has failed to properly display the address number as assigned in accordance with this Ordinance.

#### **Section 6.01 – Schedule of Fines**

- A. Fines for Municipal Civil Infraction Citations.
  - 1. A person, corporation or firm who violates any provision of this Ordinance, if found responsible at the district court for a municipal civil infraction citation, shall pay a civil fine of not less than \$50.00 nor more than \$500.00, plus costs and other sanctions for each infraction.

2. Repeat offenses shall be subject to increased fines as set forth below. As used in this subsection, “repeat offense” means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision of this Ordinance (a) committed by a corporation, person or firm within any 24 month period and (b) for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense under this Ordinance shall be as follows:
  - (i) The fine for any offense that is a repeat offense shall be no less than \$100.00 plus costs and other sanctions.
  - (ii) The fine for any offense that is a second repeat offense shall be no less than \$200.00 plus costs and other sanctions.
  - (iii) The fine for any offense that is a third or subsequent repeat offense shall be no less than \$500.00 plus costs and other sanctions.

#### B. Fines for Violation Notices

A person, corporation or firm who, as a result of violating any provision of this ordinance, receives a municipal civil infraction violation notice, upon a determination of responsibility thereon, shall pay an initial violation notice fine of \$25.00 at the Montcalm County 64B District Court, 615 N. State St., Stanton, MI 48888.

1. In the case of another offense within one year of the date of the initial infraction, the violation notice fine shall be \$75.00 (This shall be known as the second offense.)
2. In the case of another offense within one year of the date of the second offense, the violation notice fine shall be \$150.00. (This shall be known as the third offense.)
3. In the case of another offense within one year of the date of the third offense, the violation notice fine shall be \$500.00. (This shall be known as the fourth offense.) All subsequent offenses shall be subject to a civil fine of \$500.00.

#### **Section 6.02 – Effective Date**

This Ordinance shall be effective immediately upon publication in a newspaper of general circulation in Montcalm County.

### **ARTICLE VII**

#### **APPEALS**

#### **Section 7.01 – Appeals Hearing Board**

- A. The Economic Development and Physical Resources Committee of the Montcalm County Board of Commissioners shall serve as the appeals Hearing Board.

The hearing shall be held in compliance with Act No. 267 of the Public Acts of 1976. The Committee shall be responsible to hear petitions for relief from administrative actions taken by the Administrator pursuant to the authority granted by the Ordinance.

- B. Appeal Board hearings shall be convened by the Montcalm County Controller or by any other party assigned to do so by the Montcalm County Board of Commissioners.

**Section 7.02 – Appeal of Administrative Decision**

The Appeals Hearing Board shall have the power to affirm, reverse wholly or partly, or modify the decision of the Administrator after conducting a hearing at which the aggrieved party or parties and the Administrator are permitted to testify. Findings of fact shall be made on the record of the hearing.

When the findings of fact support a decision that no error in fact has occurred, but action by the Address Ordinance Administrator has created an unnecessary hardship, the Hearing Board may allow an extension of time, not to exceed twelve (12) months, to comply with the administrative order.

The Appeals Hearing Board may modify the decision of the Administrator, provided that all of the required findings listed below are met and the record of proceedings of the hearing contains evidence supporting each conclusion:

- A. There is a practical difficulty that inhibits carrying out the strictly construed requirements of this Ordinance.
- B. The practical difficulty is due to unique circumstances relating to the particular property on the road in questions.
- C. The problem was not created by the aggrieved party; and,
- D. Every modification granted shall be the minimum amount necessary to overcome the inequity inherent in the proposed address change.

**Section 7.03 – Appeal Limitation**

An appeal will be heard only in cases where the aggrieved party’s address is “out of range” from the number required by Section 4.02.A or 4.02.B. No appeal will be heard in cases where the aggrieved party’s address is out of sequence with surrounding addresses, as required in Section 4.02.C, or is on the wrong side of the road, in violation of Section 4.02.A.1 or 4.02.B.1.

**Section 8.01** – The provisions of this Ordinance are hereby declared to be severable, and if any clause, sentence, paragraph, section or sub-section is declared to be void or ineffective for any reason, it shall not affect any other part or portion hereto.

**Section 9.01 – Non-Repel**

The Ordinance shall not be construed to repeal by implication any other Ordinance of the County pertaining to the same subject matter.

**Section 10.1 – Saving Clause**

Any action to enforce any of the Address Ordinance which is pending on the effective date of this Ordinance amendment and which arose from a violation of a provision of the Address

Ordinance repealed by this Ordinance amendment, or any enforcement action which is started within one (1) year after the effective date of this Ordinance amendment arising from a violation of a provision of the Address Ordinance repealed by this Ordinance amendment and which was committed prior to the effective date of this Ordinance amendment, shall be processed and determined exactly as if the applicable provision of the Address Ordinance had not been repealed.