

**NICHOLAS COUNTY
E9-1-1 ADDRESSING ORDINANCE**

BE IT ORDAINED AND ORDERED

BY THE COUNTY COMMISSION OF NICHOLAS COUNTY, WEST VIRGINIA, A PUBLIC BODY CORPORATE OF NICHOLAS COUNTY, WEST VIRGINIA, AS FOLLOWS:

In order to uniformly assess and maintain street addresses and provide for easy identification of those numbers for various purposes and to promote the health, safety, and welfare of the citizens of the County of Nicholas, the Nicholas County Commission herein enacts its E9-1-1 Addressing Ordinance as follows:

Whereas, pursuant to West Virginia Code §7-1-3, §7-1-3ii, §24-6-5, and §24-6-6, as amended, the Nicholas 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 county emergency communications centers; and to assure uniform, non-duplicative conversion of all rural routes to city type addressing on a permanent basis; and,

Whereas, the establishment of an Enhanced 9-1-1 Emergency Telephone System in Nicholas County has been approved and implemented by the Nicholas County Commission; and,

Whereas, the establishment of such system requires the assignment of names to all streets and roads in the county, the assignment of building numbers to all buildings having telephones and/or occupancies, and the erection of appropriate street signs at intersections; and,

Whereas, a professional consultant experienced in comprehensive addressing has been employed to map streets and roads in Nicholas County and to assign building numbers to buildings in Nicholas County.

AUTHORIZATIONS

The provisions of this Ordinance shall be applicable in all unincorporated areas of Nicholas County. The incorporated cities of Summersville and Richwood shall have the option to adopt this Ordinance by each respective City and Town Council.

The Nicholas County Commission or duly authorized agent, is hereby authorized to assign names

to any public or private road or street in the County, which provides access to three or more occupied buildings.

The Nicholas County Commission or duly authorized agent, is hereby authorized to name all unincorporated areas of Nicholas County.

The Nicholas County Commission or duly authorized agent is hereby authorized to negotiate with residents along streets or roads, bearing duplicate or confusingly similar names in the County and to change the names of such roads or streets to eliminate such duplication or confusing similarity.

The Nicholas County Commission or duly authorized agent, is hereby authorized to direct the placement of street signs at intersections within the County. The initial costs of such signs and installation will be funded by the Nicholas County Commission for all unincorporated areas of Nicholas County that are not signed by DOH.

The "Nicholas County Road Name Index" shall be adopted by the County Commission and filed and maintained in the office of the Nicholas County Commission. This listing shall be the official listing of names for streets and roads in Nicholas 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.

In applying the guidelines specified herein, the Nicholas County Commission shall have the authority to interpret this Ordinance to ensure a logical and efficient numbering and street addressing system.

Whenever the Nicholas County Commission or duly authorized agent has reason to believe there has been or there exists a violation of this Ordinance, they 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 Nicholas County Commission, or duly authorized agent, shall initiate the necessary actions to terminate the violation through criminal or civil measures.

DEFINITIONS AS USED IN THIS ORDINANCE

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

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

The term "Road" or "Street" shall mean any public or private thoroughfare, used for vehicular traffic

and/or easement or right-of-way that provides sole access to more than two parcels or lots. This term shall be defined as the "Street Suffix" and shall include, but is not limited to: avenue, drive, way, boulevard, highway, lane, pike or similar street types.

The "Number Assignment Formula" as found herein is defined as follows: Beginning from the point of origin 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.

An "Interval" is defined as the distance along a roadway of 5.28 feet, there being 1000 intervals per mile (5,280 feet).

"Point of Origin" shall mean that end point of a road, which is the starting point for a numbering sequence.

As used herein, "Primary Structure" shall include but not be limited to residential buildings, mobile home parks, commercial buildings, industrial buildings, office buildings, and public buildings.

"Display" as used herein is the manner the numbers are affixed to a structure or otherwise displayed when affixing to a structure.

"Non-Compliance" is 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 numbers on the wrong side of the street, rural box numbers in a 9-1-1 address area, numbers improperly affixed, numbers illegible, numbers unclear, numbers obstructed, numbers not visible, numbers not present, numbers of improper size, numbers not in contrast with immediate background, weatherworn numbers, wrong numbers and non-approved numbers.

"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.

"Owner" is any and all persons, firms, entities, partnership, trusts, corporations, 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.

COMMUNITY NAMING

The Nicholas County Commission will name all unincorporated areas of the County.

STRUCTURE AND LOCATION NUMBERING AND DISPLAY

Whenever any house, building or structure shall be erected or located after the initial establishment of the uniform number system as provided herein, it shall be the duty of the property owners to procure the correct number or numbers of 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.

Display of Number-Residential Structure- Each primary structure shall display the number of the address assigned to that address. The numbers shall be in Arabic numerals at least three (3) inches in height, and of a durable and clearly visible material. The number 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. Whenever a residence entrance is greater than fifty (50) feet from a public right-of-way, or not clearly visible from the public right-of-way, a number shall also be placed along a driveway, or property entrance. Address numbers are to be a contrasting color to the background on which they are mounted.

The owner or person in charge of any house, building, mobile home, or other structure to which a number has been assigned shall affix the number as outlined in this Ordinance within thirty (30) days after the receipt of notification of such number.

Display of Number-Commercial and Industrial Structure - Address numbers for commercial and industrial structures shall 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 shall be placed along a driveway or on a sign visible from the same. Address numbers are to be contrasting color to the background on which they are mounted.

Display of Number-Apartments and Similar- The address number assigned to a single building number shall be displayed on each assigned structure. Numbers and/or letters for individual apartments or units within these complexes shall be displayed on, above or to the side of the main doorway of each apartment or unit.

Display of Number-Trailer Park and Similar-The address number assigned to a trailer park shall be one address 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 contrasting color to the background on which they are mounted.

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

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

ROAD NAMING

The "Nicholas County Road Name Index" shall be the official listing of names for streets and roads in Nicholas County. The Nicholas County Commission or duly authorized agent, is hereby authorized to assign names to roads.

No street with the county shall be assigned a name on a subdivision plat or otherwise until such name is registered with the Nicholas County Commission, approved, and added to the Nicholas County Road Name Index. The Nicholas County Commission or 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 Nicholas County Commission.

No street currently shown on a subdivision plat filed with the county or otherwise shall be implemented by a subdivision owner until such name has been registered with the Nicholas County Commission or duly authorized agent, approved and added to the Nicholas County Road Name Index. The Nicholas County Commission or 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 Nicholas County Commission.

Road names shall not duplicate road names already assigned, irrespective of road name prefixes or suffixes except for roads located within different corporations. The four cardinal points of the compass may be used as a prefix or suffix to designate portions of a continuous street.

A street name shall not be differentiated using the same name by changing the street suffix such as a street or avenue except that those duplicate streets having different suffixes must be directly accessible from the street having the same name with the different suffix. An example would be Birch Court must be accessible from Birch Street.

A street shall have only one name throughout its entire length unless approved as an exception by the Nicholas County Commission.

A petition requesting a change in a road name, must contain signatures of 100% of the residents if 10 or less residences or 80 % of the residents if more than 10 residences, shall be filed with the Nicholas County Commission. Such petition should not be filed until the availability of the proposed name is confirmed, but, not later than ninety (90) days following such confirmation.

Each signatory to the petition must reside on the roadway in question at the time of filing..

Residents along the affected road or street shall be responsible for advising the United States Postal Service of such road or street name change.

STREET SIGNS

All new street signs erected within Nicholas County shall be in conformance with the specifications of this section, unless the West Virginia Department of Transportation, Division of Highways or the Nicholas County Commission grants a variance.

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 vote of the Nicholas County Commission, such responsibility is assumed by the county. 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 conformance with this ordinance.

All road signs will be 6 inches by 24 inches, they will be green in color with a white border, and they shall have no less than 3 inch letters. All street signs shall display the street name on both sides of the sign.

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.

Any such person found to be responsible for damage or destruction of any road or street sign shall pay to the 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 as court costs and reasonable attorney fees.

MAPS

All properties or parcels of land within Nicholas County shall hereafter be identified by reference to a uniform numbering system, as shown on maps maintained in the Nicholas County Commission Office. The maps and explanatory matter thereon may be amended, modified, or changed at the direction of the Nicholas County Commission.

APPEALS, AMENDMENTS, CONFLICT WITH OTHER LAWS, VALIDITY

During the initial project stage and prior to the completion of the project, any requests concerning road name changes and/or addressing complaints will first be directed to the Nicholas County Commission within thirty (30) days from the time of road name or address assignment. If the initial contact does not satisfy the individuals concern, he or she may appeal the decision to the Nicholas County Commission for final disposition provided, however, that all such appeals must be filed no later than ten (10) days after the decision. The Nicholas County 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 thirty (30) days after the appeal is heard.

After implementation of the address conversion system, any concerns, problems, or complaints regarding the naming and numbering system will be handled on a case-by-case basis by the Nicholas County Commission.

Nicholas County Commission may, from time to time, amend supplement or change the provisions of this Ordinance.

Conflict With Other Laws-Where the provisions of this Ordinance impose 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.

Validity-If any article, section, subsection, paragraph, clause or provision of this Ordinance shall be declared by a court of competent jurisdiction to be invalid, such decisions shall not affect the validity of this Ordinance as a whole or any other part thereof.

PENALTIES

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 thirty (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 not to exceed five hundred dollars (\$500.00). Each day a violation continues shall constitute a separate offense.

ENACTED AND ORDAINED THIS 17 DAY OF July, 2002

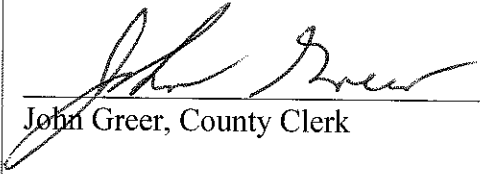
NICHOLAS COUNTY COMMISSION

Tom Blankenship
Tom Blankenship, President

Birl O'Dell
Birl O'Dell, Commissioner

Mert Myers
Mert Myers, Commissioner

ATTEST:



John Greer, County Clerk

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