

ORDINANCE #2021-4

DELTA COUNTY, MICHIGAN

DELTA COUNTY
ADDRESSING ORDINANCE

AN ORDINANCE TO PROVIDE FOR THE NAMING OF STREETS AND NUMERIC ADDRESSING OF BUILDINGS, POSTING OF STREET SIGNS, AND DISPLAY OF ADDRESS NUMBERS; TO DESIGNATE AUTHORIZED LOCAL OFFICIALS RESPONSIBLE TO ADMINISTER THE ADDRESSING ORDINANCE AND REGULATIONS AND TO ENFORCE VIOLATIONS; TO DESIGNATE VIOLATIONS TO BE CIVIL INFRACTIONS; TO ADOPT A SCHEDULE OF FINES; AND TO PROVIDE AN EFFECTIVE DATE.

THE COUNTY OF DELTA ORDAINS:

SECTION 1. PURPOSE, SCOPE, DEFINITIONS, AND ADMINISTRATION

A. Purpose

The purpose of this Ordinance is to establish a system of assigning and correcting addressing in Delta County and to facilitate locating structures in order to protect the public health and safety by prompting reduced response times by police, fire, ambulance, and other emergency services. This Ordinance will also provide for more efficient delivery of County services, such as building inspections, soil evaluations, health inspections, property tax administration, property mapping, and other County affairs. It will also provide for an efficient US mail and parcel delivery in Delta County.

B. Scope

This Ordinance shall be effective and enforceable throughout Delta County, except in the jurisdiction of those cities, villages, or townships that have previously enacted or subsequently enact an Ordinance that addresses the general subject matter of this Ordinance.

C. Definitions

1. "Address" is defined as the combination of a set of numbers, a street prefix (ie, N., S., E., W, if applicable), a street name, a street suffix (ie, Ave., Rd., St., Cir., Ct.,) a street post-directional (ie, N., S., E., W, if applicable), an apartment or suite if applicable, and an apartment or suite number if applicable.
2. "Address Number" is defined as a set of numbers based upon the formula that begins at 0 base points along the East-West baseline and North-South meridian as assigned by the Addressing Official as part of an address. ., Numbering systems currently in effect in incorporated and unincorporated villages would be changed or modified only at the request of local units of government or to the extent

necessary to correct numbering errors found during the process of mapping Delta County.

3. "Street" or "Road" are defined as any vehicular way which is a state, county, or municipal roadway, or is shown on an approved and recorded subdivision plat or site plan, or is a private road that serves more than two existing lots.
4. "Principal Structure" shall include, but is not limited to, residential buildings, office buildings, commercial buildings, industrial buildings, public buildings, utility structures, and buildings used for storage, including, but not limited to, garages, pole barns, utility meters, and other accessory structures.

D. Administration

The Delta County Administrator shall appoint a person from the Delta County Building and Zoning Department to be the County Addressing Official. The Addressing Official shall have overall responsibility for administration and coordination of this Ordinance with the Delta County Addressing Policy, including enforcement.

SECTION 2. STREET NAMES AND ADDRESSING

A. Incorporation of Policy

The County Addressing Official shall coordinate all numeric addressing, including the assignment of numeric address corrections that require naming of easements and renaming of private roads. The Delta County Road Commission shall be responsible for coordinating new road names with developers and property owners and sign identification of all county roads within the County, pursuant to the Delta County Addressing Policy, as adopted and from time to time amended by Resolution of the County Board of Commissioners. This policy is incorporated by reference.

B. Display of Address

The property owners or residents of all principal structures on each parcel of land are required to display an address number in the manner prescribed in the Delta County Addressing Policy, incorporated by reference. In the event an address number has been corrected by administrative action of the Addressing Official, the property owner or resident in conjunction with the Addressing Official, shall so notify the U.S. Postal Service, and display the new correct address, within sixty (60) days of receipt of a Notice of Address Correction.

C. Road Names

The provisions of this Ordinance shall apply to both public and private roads. Every road, public or private, that exists in Delta County on or after the effective date of this ordinance shall be posted or signed with, a name that shall be registered with and approved by the Delta County Building and Zoning Department in conjunction with the Delta County Road Commission, in the manner prescribed in the Delta County Addressing Policy, which is incorporated by reference. The Delta County Building and Zoning Director shall be the sole final authority for street or road naming. The

Delta County Road Commission shall maintain the county-wide repository of street names.

D. Posting of Street Signs

The property owners or residents with addresses on a private road shall erect and maintain a suitable sign identifying the private road at the intersection of the private road and the adjoining public road in the manner prescribed in the Delta County Addressing Policy, incorporated by reference.

E. Assigned Number and Address Corrections

Existing, or previously assigned or displayed address numbers, public road and private road names that do not comply with this Ordinance and the Delta County Addressing Policy, incorporated by reference, may be corrected either (1) at the request of the property owner(s) or his/her agent(s), but only upon approval of the Delta County Building and Zoning Director, or (2) such change may be initiated by the Delta County Building and Zoning Director. When a correction is initiated by the Building and Zoning Director, the property owner(s) shall be notified, in writing, that a new number has been assigned. Address corrections become effective upon receipt of Notice of Address Correction. A resident who does not put a change of address in with the United States Postal Service and who does not display the new correct address within sixty (60) days after receiving the Notice of Address Correction, will be in violation of this Ordinance and subject to penalty as provided by Ordinance.

SECTION 3. DESIGNATION OF VIOLATIONS OF THIS ORDINANCE AS CIVIL INFRACTIONS

- A. Pursuant to the authority set forth in 1851 PA 156, as amended, being MCL 46.11(j), and Chapter 87 of 1961 PA 236, as amended, being MCL 600.8701 et seq., a violation of any provision of this Ordinance shall be a civil infraction.
- B. The sanction for any violation of this Ordinance, which is a civil infraction, shall be a civil fine as provided herein, plus any cost, damages, expenses, and other sanctions, as authorized under Chapter 87 of 1961 PA 236, as amended, and other applicable laws.
- C. The Delta County Building and Zoning Director, deputies of the Delta County Sheriff, and other persons specifically designated by the Delta County Administrator, are the County officials authorized to issue civil infraction citations and civil infraction violation notices for violations of this Ordinance.
- D. In addition to enforcement of violations of this Ordinance as civil infractions, enforcement of violations of this Ordinance may be accomplished by civil action, along with any other remedies provided by law. Violation of this Ordinance is hereby declared a nuisance, per se, and adjudication of responsibility for civil infraction

violation of this Ordinance shall not preclude other civil proceedings to abate such nuisance.

E. Each day a violation exists constitutes a separate infraction.

SECTION 4. SCHEDULE OF FINES FOR VIOLATIONS

A. Fines to be established by County Board Resolution

The County Board of Commissioners shall by Resolution adopt a schedule of fines for violations of this Ordinance, which may be amended by subsequent Resolution. For purposes of establishing an initial schedule of fines, the following schedule is adopted.

B. Fines for Civil Infraction Citations

1. A person, corporation, or firm who violates any provision of this Ordinance and is found responsible at the District Court for a civil infraction citation, shall pay a civil fine of not less than \$100.00 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) civil infraction violation of the same requirement or provision of this Ordinance, committed by a person, corporation, 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 shall be as follows:
 - a. The fine for any offense that is a repeat offense shall be no less than \$200.00 plus costs and other sanctions.
 - b. The fine for any offense that is a second repeat offense shall be no less than \$300.00 plus costs and other sanctions.
 - c. 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.

C. Fines for Violation Notices

A person, corporation, or firm who as a result of violating any provision of this Ordinance, receives a civil infraction violation notice, upon determination of responsibility thereon, shall pay an initial civil fine at the Delta County District Court of \$50.00.

1. In the case of another offense within one year of the date of the initial infraction, the civil 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 civil 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 civil 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 5. CIVIL INFRACTION VIOLATION BUREAU

The Civil Infraction Violation Bureau, for disposition of violation notices issued under this Ordinance, shall be located at the Delta County District Court, 310 Ludington St. Escanaba, MI 49829.

SECTION 6. REPEALER

All Ordinances in conflict are repealed only to the extent necessary to give this Ordinance full force and effect.

The various parts, sections and clauses of this ordinance, inclusive of the Policy incorporated by reference, are hereby declared to be severable. Should any part, clause, sentence, paragraph, or section of this Ordinance be found invalid or unconstitutional for any reason by any court of competent jurisdiction, any such decision shall not affect the validity of the remainder of this Ordinance.

SECTION 7. SAVINGS CLAUSE

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

SECTION 8. EFFECTIVE DATE

The provisions of this Ordinance are ordered to take effect after publication.

I, Nancy Przewrocki, Delta County Clerk, certify that this Ordinance was adopted by the Delta County Board of Commissioners and published on May 29, 2021.

Nancy Przewrocki
Delta County Clerk

Approved as to form:

Brett Gardner, Delta County Prosecutor

Brett Gardner, P35083