

VILLAGE COUNCIL  
VILLAGE OF LAKEVIEW  
MONTCALM COUNTY, MICHIGAN

Councilmember Earhart, supported by Councilmember Lobert, moved the adoption of the following ordinance:

ORDINANCE NO. 03-03.

THE VILLAGE OF LAKEVIEW ADDRESS ORDINANCE

THE VILLAGE OF LAKEVIEW ORDAINS:

Section 1. Title

This ordinance shall be known as the Village of Lakeview Address Ordinance.

Section 2. Purpose.

The purpose of this ordinance is to establish a 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 services; and to provide for efficient parcel delivery, and U.S. Mail Delivery in the Village of Lakeview 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 3. Legal Basis

This ordinance is enacted pursuant to Act No. 3 of the Public Acts of 1895, as amended.

#### Section 4. Address Ordinance Administrator

The Village Manager or his/her designee shall act as the Address Ordinance Administrator with overall responsibility for administration and coordination of this ordinance, including enforcement.

#### Section 5. Use of Words and Terms

For the purpose of this 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 6. Definitions.

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 Village Manager or his/her designee, 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 Washington Avenue.

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.

MERIDIAN LINE is a continuous north/south line along Park Drive/Edgar Avenue.

MICHIGAN DEPARTMENT OF TRANSPORTATION also referred to as MDOT.

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 means the Montcalm County Road Commission.

ROAD NAME means the road prefix, a proper name and a road suffix. No State, Federal, or County numeric designations such as 85th Avenue, m-46 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.

Section 7. Approval Agency

The Administrator shall coordinate the naming of newly established public and private roads within the Village. The final decision on public road names shall remain with Village Council. The final decision on private road names shall remain with the Administrator.

Section 8. 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 the Village of Lakeview.

Section 9. 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 Montcalm County Road Commission and the Montcalm County Central Dispatch Coordinator.

The Administrator 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 (7) working days.

Section 10. 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 11. Private Drives

- A. Private drives, whether pre-existing or created after the adoption of this ordinance, shall be named when two (2) or more address 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 Central Dispatch Coordinator.
- C. It is the responsibility of the applicant causing the change to occur on the private drive to erect and maintain a suitable sign at the intersection of the private drive and the adjoining public road clearly showing the name of the private drive. After a period of (2) two years or whenever the responsible party ceases to own property abutting the private drive, whichever occurs first, maintenance of the private drive sign shall become the mutual responsibility of those parties benefiting from the sign. Lettering of these signs should be similar to the Road Commission road name signs and shall contrast with the background color of the sign. The lettering shall include the word "Private" or the abbreviation "PVT" to distinguish this road from public roads. Private signs shall be placed so as to comply with standard requirements of the Road Commission placement of county owned road signs (distance from road intersection, height of sign, etc.).
- D. The party responsible for erecting the private drive sign shall install the required sign within (30) thirty days of notification of the approval of the road name and shall report to the Administrator that the sign is in place.

#### Section 12. 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 13. Address Numbering System

The following address numbering system, shall generally be used except when other existing municipal systems are more appropriate:

- 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. 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 the Village runs

north-south, or shall be numbered as an east-west road if the major portion of the road within the Village 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.

#### Section 14. 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 this ordinance.

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 this public, the Administrator 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 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.

#### Section 15. Notice and Enforcement.

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

A. An application for an address shall be provided by the Administrator and shall, at minimum, elicit the following information:

1. The address number.
2. The road name.
3. The location.
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.
6. Warning about false indication of compliance.

C. In cases where an existing address is changed, the Administrator shall send a written notice to the affected resident. The 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.
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.
3. If the resident has not properly displayed the new number on completion of thirty (30) days the Administrator shall send a notice of violation of this ordinance.

#### D. Notice of Violation

1. For violations of this ordinance, the Administrator shall send, by registered mail, a 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.

#### Section 16. Master Address File

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

#### Section 17. Display

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 regulation of the post office.

#### Section 18. 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 this ordinance shall be a civil fine as provided in Section 19, 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 Administrator is authorized to issue municipal civil infraction citations and municipal civil infraction violation notices for violations of this 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.

E. Each day that a violation exists constitutes a separate offense.

F. No certificate of occupancy shall be issued for a new building which has failed to properly display the address number as assigned in accordance with this ordinance.

#### Section 19. 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, 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 \$50.00 plus costs and other sanctions.

(ii) The fine for any offense that is a second repeat offense shall be no less than \$150.00 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.

(iiii) The foregoing penalties shall be in addition to the abatement of the violation condition and injunctive or other relief prescribed by the laws of the State of Michigan for the abatement of a public nuisance or the violation of a Village ordinance designated as a municipal civil infraction.

Section 20. Severability. If a court of competent jurisdiction deems any provision or term of this ordinance to be unlawful, such finding shall not invalidate the remainder of this ordinance and, to that extent, this ordinance is declared to be severable.

Section 21. Effective Date. This ordinance shall take effect twenty (20) days following its publication as provided by law.

YEAS: Councilmember(s) Winter, Earhart, Lobert, Collard, and Rasmussen

NAYS: Councilmember(s) None

ABSENT: Councilmember(s) Lund and Schottle

ORDINANCE NO. 03-03 DECLARED ADOPTED.

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Ed Winter, President

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Wally Delamater, Clerk

I hereby certify the foregoing to be a true copy of an ordinance duly adopted at a regular meeting of the Village Council of the Village of Lakeview held on November, 11, 2003.

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Wally Delamater, Clerk

Introduced: October 13, 2003

Adopted: November 10, 2003

Published: November 20, 2003