COPY

DEKALB COUNTY ORDINANCE NO. 98-5

AN ORDINANCE TO PRESCRIBE STREET ADDRESS NUMBER SIZES AND LOCATIONS

WHEREAS, the County Commissioners for DeKalb County, Indiana have determined that to ensure the continued health and safety of the general public, a set of rules are required for prescribing street address numbering locations and number size; and

WHEREAS, the County Commissioners for DeKalb County, Indiana, have received concerns from Police, Fire and Emergency Medical Services that it is difficult to locate some residences or businesses in the County of DeKalb because there are no street address numbers or, if present, are incorrect or, are inadequate for identification; and

WHEREAS, the County Commissioners for DeKalb County, Indiana, have determined that without adequate street address numbers, emergency service responses could be slower, thus potentially aggravating emergency situations;

BE IT THEREFORE ORDAINED BY THE COUNTY COMMISSIONERS FOR DEKALB COUNTY, INDIANA;

Section 1. Definitions.

1.01 Residence is any structure wherein persons live as distinguished from a business or industry.

1.02 Street Address Numbers are those identifying numerals which are consistent with identification as set forth by the DeKalb County Building Commissioner and/or his/her designee, which are recognized by the United States Postal Service and which are the correct numerals to properly identify the location of the property within DeKalb County.

1.03 House is considered as a structure which may contain one or more residences.

1.04 Apartments are structures which may include multi-family residences.

1.05 Business and/or Industry is an establishment located in some structure which is a purveyor of goods or services.

Section 2. Minimum Requirements.

2.01 Every house, residence, apartment, business and industry within the County borders of DeKalb County, Indiana shall have numbers identifying the location. These numbers are herein referred to as street address numbers for all structures subject to this Ordinance.

2.02 All street address numbers shall be displayed on a mailbox, mailbox post or separate post and shall be easily visible from the road when traveling in either direction. The street address number display shall be minimum height of three feet and maximum height of five feet above road grade as measured from the midpoint of the sign. Alternatively, if displayed on the mailbox post, the street address number display may be mounted directly below the mailbox so long as the midpoint of the

sign is no less than two and one-half feet above road grade. In the event the structures to be identified by said street address numbers are situated in such a way that the display of those numbers as the sole means of identification does not adequately identify the structure in the opinion of the DeKalb County Building Commissioner and/or the DeKalb County 911 Coordinator, then the owner of the structure may also be required to display the street address numbers affixed to the structure in the size and colors as required below. In the event the second display is necessary then the DeKalb County Building Commissioner and/or the DeKalb County 911 Coordinator shall set forth in writing to the owner of the property the reasons for said second display.

2.03 All street address numbers shall be white reflective lettering on a green background which can be seen easily when viewed from the street while in a vehicle. Should an additional display of address numbers be required on the structure as noted in subsection 2.02 above, it is required that the numbers of said additional display be a color contrasting or nearly contrasting with the background surface color upon which they are mounted.

2.04 There shall be no obstructions to preclude the street address numbers from being seen as noted in subsections 2.02 and 2.03 above.

2.05 All street address numbers shall be a minimum of three (3) inches in height and one and one-half (1 & 1/2) inches in width.

2.06 No occupancy permit for new construction will be issued until proper numbers are erected either by contractor or residence owner.

2.07 A property with a non-conforming address display of the correct address which does not meet the size and color requirements of this ordinance may continue to be used should it substantially fulfill the intent of the ordinance and adequately identify the property in the opinion of both the Building Commissioner and the 911 Coordinator or his designee. In the event a non-conforming address display of the correct address is approved for continued use under this section, then the owner of the property shall be sent a letter approving said use by either the Building Commissioner or the 911 Coordinator or the 911 Coordinator's designee. A copy of this letter shall be kept on file in the Plan Commission Office.

Section 3. **Penalties**

3.01 Any person, firm, corporation, or governmental unit, whether as principal agent, employee, or otherwise, who violates any of the provisions of this ordinance shall be liable for a civil ordinance violation penalty of thirty dollars ($30.00). Each month of continued violation shall be considered a separate violation subject to $30.00 per month penalty until corrected. For purposes of this ordinance, a month shall constitute thirty-one (31) days.

3.02 The penalties herein shall not exceed $60.00 in aggregate for a first offense or $120.00 in aggregate for subsequent offenses by the same person, firm, corporation, or governmental unit for the same property.

3.03 A minimum time period of ninety days must pass between each offense with proper notice given to the person, firm, corporation, or governmental unit violating this ordinance and proper time

allowed as provided herein in order to allow the person, firm, corporation, or governmental unit to comply with this ordinance and thereby cease said violation.

3.04 That portion of any fees collected which are necessary to purchase address numbers for the person, firm, corporation, or governmental unit in violation shall be so spent and the purchased numbers shall then be provided to the person, firm, corporation, or governmental unit for proper posting. The remaining portion of any fees collected shall be deposited into the DeKalb County general fund.

3.05 Said penalty or penalties may be collected in any suit by the Plan Commission, the Building Commissioner, or the Sheriff's Department in any action against a violator of any provision of this ordinance.

3.06 Notwithstanding any provision herein to the contrary, in the event the street address number relied upon for the house, residence, apartment, business or industry was incorrectly assigned by the DeKalb County Plan Commission, the DeKalb County Building Commissioner, or the United States Postal Service, then the penalty provisions shall not apply until one year after the correct number has been assigned to the house, residence, apartment, business or industry by the County.

3.07 Each notice sent shall constitute an offense for purposes of the penalty provisions of this ordinance.

Section 4. **Enforcement**

4.01 It shall be the responsibility of the DeKalb County Sheriff's Department, the Fire Departments, the DeKalb EMS, the DeKalb County Plan Commission or the DeKalb County Building Commissioner to report any violation of this ordinance to an enforcing authority. The DeKalb County Sheriff's Department, the DeKalb County Plan Commission and/or the DeKalb County Building Commissioner may institute a suit for injunction in a Court of DeKalb County to restrain an individual, a corporation, or a governmental unit from violating the provisions of this ordinance. Failure to enforce a provision of this ordinance shall in no event be deemed a waiver of the right to thereafter enforce the same.

4.02 Enforcement will be accomplished as follows:

4.021 Upon notice of violation of Section 2, an initial letter will be sent by the DeKalb County Building Commissioner and/or the DeKalb County 911 Coordinator to the offending party, advising of the violation. Said letter shall be sent by certified mail with return receipt to ensure its delivery. In the alternative, said letter may be personally served on the offending party by the DeKalb County Sheriff's Department and such delivery duly noted.

4.022 The violator or violators will be allowed ninety (90) days from receipt of the notice in which to correct or cure the violation(s).

4.023 The DeKalb County Building Commissioner and/or the DeKalb County 911 Coordinator may then, at their discretion, serve a second notice of no less than thirty (30) days through legal counsel acting on their behalf.

4.024 If the violation is not cured or corrected to the satisfaction of the DeKalb County Building Commissioner and/or the DeKalb County 911 Coordinator within the ninety (90) day period and after expiration or waiver of the subsequent thirty (30) day period, a notice of imposition of penalty shall be delivered to the responsible violator.

4.03 The DeKalb County Building Commissioner or designee shall collect all paid penalties through the DeKalb County Plan Commission for those suits initiated by the DeKalb County Building Commissioner. The DeKalb County Sheriff's Department or designee shall collect all paid penalties for those suits initiated by the DeKalb County 911 Coordinator.

4.04 The DeKalb County Plan Commission shall initiate suit for collection for all penalties assessed due to action by the Building Commissioner yet unpaid. The DeKalb County Sheriff's Department shall initiate suit for collection for all penalties assessed due to action by the 911 Coordinator yet unpaid.

Section 5. **Separability.**

The provisions and sections of this ordinance shall be deemed separable and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

Section 6. **Effective Date.**

This Ordinance shall be effective one-hundred eighty (180) days following the last date of publication and upon passage by the DeKalb County Commissioners and signing by the DeKalb County Commissioners and the DeKalb County Auditor.

First Reading May 26, 1998

Second Reading June 15, 1998

Third Reading June 29, 1998

PASSED AND ADOPTED by the DeKalb County Commissioners of DeKalb County, Indiana

this 29th day of June, 1998

William C Ort

William C Ort, Commissioner

Connie R. Miles

Connie R. Miles, Commissioner

Don Kaufman

Don Kaufman, Commissioner

ATTEST:

Mary Bowman

Mary Bowman, Auditor of DeKalb Co.