

Ordinance 43

EDDY COUNTY RURAL ADDRESSING ORDINANCE

WHEREAS, Eddy County adopted a Rural Addressing System for consistent and coherent numbering of structures for public safety purposes, to minimize confusion for citizens and visitors to Eddy County, and to facilitate orderly and comprehensive mail delivery for the citizens of Eddy County;

AND WHEREAS, various resolutions concerning the rural addressing system have been adopted since the rural addressing system was instituted;

AND WHEREAS, the Eddy County Board of Commissioners has the desire, and authority, to set the requirements and guidelines for the rural addressing system;

NOW, THEREFORE, BE IT RESOVLED, the Eddy County Board of Commissioners hereby ordains:

SECTION 1. PURPOSE.

The purpose of this ordinance is to provide guidelines for maintaining the Rural Addressing System as established by Eddy County for public safety, mail delivery, structure location, and for defining policies and procedures related to the naming / re-naming of roads, signing of roads, assigning of addresses, and ongoing maintenance of the system. Resolutions R-85-35 and R-87-59 are hereby rescinded.

SECTION 2. EFFECTIVE DATE.

The effective date of this Eddy County Rural Addressing Ordinance shall be thirty (30) days after said document has been duly recorded by the Eddy County Clerk's Office.

SECTION 3. CONFLICTING PROVISIONS.

Where there exists a conflict between any limitation or requirement in the Ordinance and any applicable limitation or requirement contained elsewhere in this Ordinance or in any other Ordinance, regulation, or law, the more restrictive limitation or requirement shall prevail.

SECTION 4. AUTHORITY.

This ordinance is enacted under the authority granted to the County in Sections 4-37-1, 4-37-3, 67-5, NMSA 1978 Compilation.

SECTION 5. ADMINISTRATION.

All addressing services shall be administered through the Special Services Department. The department shall have the authority to delegate to an individual or individuals the responsibility of coordinating the ongoing maintenance of the rural addressing system. These duties shall include: assignment of addresses, maintenance of an accurate road name listing, update of maps, management of address sign installations and maintenance, and enforcement and policing of the provisions of this Ordinance.

SECTION 6. JURISDICTION.

This Ordinance shall be applicable in all unincorporated areas of Eddy County, and within all municipalities to the extent as set forth in the Joint Powers Agreements previously enacted between Eddy County and each municipality individually. All provisions of this ordinance shall be in effect where Joint Powers Agreements exist for road maintenance by the Eddy County Road Department.

SECTION 7. APPLICATION OF ORDINANCE.

- A. Any person, firm, corporation, and other legal entities constructing new structures or locating or relocating manufactured homes shall, before construction or placement work commences, request an address from the Addresser, and shall provide all information required to complete the address process.
- B. No utility company operating in Eddy County shall furnish utility service(s) to any new structure or manufactured home, including a manufactured home that is moved from one location to another, until it has been issued a valid address by the Addresser.
- C. The subscriber shall furnish the Addresser with the necessary utility contact information for verification of address assignment. The Addresser shall notify the utility of valid address completion.

- D. Due to the wireless 911 project currently underway in New Mexico, all entities that have communication towers, regardless of installation date, shall have ninety (90) days from the effective date of this Ordinance to report the location of all towers located in Eddy County. This provision shall apply to all towers that have or could have cellular telephone, similar or newer replacement technologies, installed.

SECTION 8. ADDRESSING.

- A. A copy of the latest edition of the NENA (National Emergency Number Association) "Addressing Systems" is available for viewing at the Addresser's office during regular business hours. The standards within this publication may be used as a guide by the Addresser in making administrative decisions regarding this Ordinance. It is the intent of this Ordinance that all structures in Eddy County have a valid address.
- B. All structures, outside the agreed upon block system covering the municipalities, shall be addressed starting at the road point-of-beginning (POB) and extending to the road terminus, at a rate of 100 addresses per mile. At the discretion of the Addresser, the interval may be amended to accommodate a higher density of structures.
- C. Even numbered addresses shall be assigned to structures that lie on the north or east side of the roadways. Odd number addresses shall be assigned to structures that lie on the south or west side of the roadways.
- D. If a municipality has been previously addressed using another methodology, the County will continue with that municipality's system to the extent of the established block system, then the County's methodology described in provisions (B),(C) of this section shall be utilized.
- E. Pursuant to existing Joint Powers Agreements, and the criteria set forth when the Rural Addressing System was adopted, block lengths shall be 880'.
- F. Once the address has been assigned, the Addresser shall place an address sign in a manner that is highly visible at the primary access point to the property. The sign shall be made of a material which is highly reflective.
- G. The owner of an addressed property shall be responsible for keeping brush and debris cleared to ensure the visibility of the address sign from the traveled roadway.

- H. Residents shall be responsible for maintaining their address sign after installation. The County will make replacement supplies available at no charge. The County may, upon request, assist residents with maintenance.
- I. Vanity addresses shall be prohibited.
- J. All subdivisions that are approved by the County shall be required to be addressed as determined by the Addresser. Vacant lots may be assigned addresses for planning and assessment purposes, however, address signs shall not be placed until the primary access point for the property has been established and work on a structure is about to commence.
- K. In the event a property is annexed into a municipality, Eddy County will no longer provide support or supplies for the address sign free of charge. The resident may purchase replacement materials at the current cost of the inventory, at the time of purchase. Should a resident inside an annexed area request placement of an address sign, a sign setting fee as established by separate resolution shall be paid in advance.

SECTION 9. ROAD NAMES

- A. The County will, at its discretion, name, rename, and remove road names to avoid duplication, or when it is in the best interest of the health, safety, and general welfare of the citizens of Eddy County.
- B. Proposed road names in new developments shall be submitted to the addresser for preliminary approval as not to conflict, duplicate, or phonetically sound the same as a currently named road.
- C. Newly named cul-de-sacs shall be designated "Court" or "Place".
- D. Newly named roads that dead-end shall be designated "Lane".
- E. Newly named roads that beginning and ending points intersect on a common road shall be designated "Loop".
- F. Newly named roads shall be named with non-family names.
- G. Roads may only be named with the name of an existing road when the new road is aligned with, or an extension of, an existing named road.

- H. Once a road has been named, it shall not be the subject of a petition for renaming for a period of ten (10) years, unless the petitioning land owners can establish a need to rename the road based on public health, safety, or welfare.
- I. When the Addresser determines that it is in the best interest of public safety and welfare that a previously un-named road be named, the provisions of Section 9 (C),(D),(E),(F),(G), and the following criteria shall be utilized:
1. All affected residents shall be notified of the Addresser's intent to have the road named.
 2. The residents shall have a minimum of thirty (30) days to make suggestions for the name of the road before a resolution naming the road is brought before the County Commission.
 3. The affected residents shall be notified of the date and starting time of the meeting at which the proposed road naming resolution will be presented for consideration by the County Commission.
 4. Upon approval of a newly named road under provision (I) of this section, the Addresser shall, within fifteen (15) days, notify all residents, pertinent utility, and public service agencies of the action taken by the County Commission.

SECTION 10. RENAMING ROADS.

- A. A petition from the majority (51%) of the affected property owners who own, reside, or operate a commercial establishment on the street in question, shall forward such petition to the Addresser, and such petition shall include the name, address of residence and telephone number of the petitioner, and such petition shall name one person on the petition as the group representative who shall be the spokesperson for the group and work directly with the Addresser.
- B. The Addresser shall contact all property owners who reside or operate a commercial establishment on the street in question and conduct a poll of the residents concerning the proposed name change.
- C. Upon completion of this poll, the Addresser shall forward the results of the poll, and all other pertinent information, to the County Commission and the County Manager's Office. The request for name change shall then be placed on the agenda for the next

- regularly scheduled County Commission meeting for a hearing and consideration of the request.
- D. A road name shall be changed only if there is a public benefit which clearly outweighs the public confusion and expense created by the name change.
 - E. It shall be the responsibility of the residents requesting the name change to pay the costs associated with the name change. A non-refundable administrative fee, as established by separate resolution, shall be paid to cover the expenses related to the review, polling, document preparation, notifications, and map and records changes. A fee, as established by separate resolution, shall be paid for each street or road sign that must be installed or replaced due to the name change.
 - F. A request for changing a road name shall not be considered for approval by the County Commission until the Addressor has received a cashiers check or money order for an amount equal to the administrative fee as outlined in provision "E" of this section. Payment for road signage shall be in advance of actual work, and within fifteen (15) days of approval. It shall be the responsibility of the "group representative" to obtain the funds necessary to cover all administrative and signage fees.
 - G. Subdivision re-plats that change the name of established roads shall be subject to the provisions of this section.
 - H. Roads approved for renaming shall be subject to the provisions of Section 9.
 - I. For the purposes of Section 10(A), to establish the required 51% of the affected land owners, one person per vacant lot, occupied building, or residence may sign the petition. (I.e. one vacant lot, one vote; one occupied building, one vote; one residence, one vote.)

SECTION 11. ROAD SIGNS

- A. All road and traffic control signs on roads that are not maintained by the State of New Mexico or municipality, shall be placed by the Road Department in accordance with the Manual on Uniform Traffic Control Devices. (MUTCD)
- B. Road name and traffic control signs placed by the Road Department in new subdivisions shall be at the expense of the party creating the subdivision. Fees shall be

based on the current material and actual installation cost, as determined by the Road Department. All signage fees shall be paid in advance of installation.

SECTION 12. PROHIBITIONS

- A. No building permit shall be issued, or a manufactured home located or relocated, within the unincorporated areas of Eddy County until an approved address has been assigned and verification, either written or verbal, has been provided by the Addresser.
- B. Only persons authorized by the County may install or erect road, traffic control, or address signs.
- C. Only County authorized personnel may remove, alter, or change a road name sign, traffic control sign or physical address sign installed or maintained in accordance with this Ordinance.
- D. No person shall install or cause to be installed any utility service, including, but not limited to electric, gas, water, sewer, telephone or cable television to any structure or manufactured home without first obtaining a valid address for that location. Utility companies shall obtain address verification from the Addresser prior to installation.

SECTION 13. SAVINGS CLAUSE

The provisions of this Ordinance are severable. If any provision, sentence, clause, section, or part hereof is held illegal, invalid, or unconstitutional, or inapplicable to any person or circumstance, the illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance or its application to other persons or circumstances. It is hereby declared to be the intent of the County that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional provision, sentence, clause, section, or part had not been included herein, or if the person or circumstances to which this Ordinance or any part thereof are inapplicable had been specifically exempted therefrom.

SECTION 14. PENALTIES

- A. Any person, partnership, association, corporation, public utility, private utility, or other legal entity who purposefully locates or relocates a manufactured home, or installs or causes to be installed any utility service including, but not limited to electric, gas, water, sewer, telephone or cable television to any location required by this Ordinance to be assigned an address without first receiving, either written or verbal, address verification from the Addresser shall be guilty of a misdemeanor punishable by a fine not to exceed three hundred dollars (\$300.00) or by imprisonment for a term not to exceed ninety (90) days, or both.
- B. Any person who intentionally installs a road sign, traffic control sign or address sign in violation of this Ordinance or who intentionally removes, alters, defaces, changes, or conceals a road, traffic control or address sign erected or installed pursuant to this Ordinance shall be guilty of a misdemeanor punishable by a fine not to exceed three hundred dollars (\$300.00) or by imprisonment for a term not to exceed ninety (90) days, or both.
- C. Any entity that fails to comply with Section 7(D) shall be guilty of a misdemeanor, punishable by a fine not to exceed three hundred dollars (\$300.00) or by imprisonment for a term not to exceed ninety (90) days, or both.

SECTION 15. DEFINITIONS

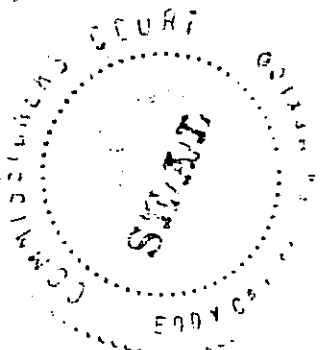
- A. Address: A permanent, unique identifier for a property that clearly identifies where a property is located. The address number is assigned by the Addresser, or designee, after inspecting the location of the property or by referencing the county maps and road indexes. Address as used in this Ordinance references the physical location of the property.
- B. Addresser: The individual(s) assigned the responsibility for assignment of addresses, maintenance of an accurate road name listing, update of maps, management of address sign installations and maintenance, and enforcement and policing of the provisions of this Ordinance.
- C. County: Eddy County, New Mexico
- D. County Commission: Eddy County Board of County Commissioners

- E. Cul-de-sac: A road that dead-ends but generally has a turn-around radius with structures arranged around it such that extending the street or joining with another street is not possible.
- F. Dead-end: A road that ends without the turn-around features found in a cul-de-sac, extending or joining with other roads may be possible.
- G. Manufactured Home: A dwelling or structure that is built at an off-site manufacturing facility and moved to an alternate location. This type of structure in the past may have been referred to as mobile homes or trailer houses, but the definition also applies to pre-built homes that do not have axles and wheels attached as part of the construction process.
- H. Municipality: A village, town, or city that is a political subdivision in Eddy County.
- I. Primary Access: Principal point of ingress-egress to a property.
- J. Road Department: The Eddy County Road Department whose duties include county road and sign maintenance.
- K. Structure: For the purposes of this Ordinance, a structure is defined as a commercial building, house or apartment being newly constructed and occupied for the first time and which will require an installation visit to obtain utility services. With the implementation of wireless 911 services, all towers erected for the purposes of wireless communications, of all types, are classified as structures.
- L. Utility Company: Any public or privately held entity that provides utility services for a fee or any type of remuneration.
- M. Utility Services: Services that include, but are not limited to, electric, gas, water, sewer, telephone or cable television.

APPROVED: *Lucky Briggs*
 Lucky Briggs - Chairman Eddy County Board of Commissioners

PASSED: 10/21/03
 Date

ATTEST: *Joan Blenden*
 Joan Blenden - Eddy County Clerk



avit of Publication

New Mexico,
of Eddy, ss.

iggins, being first duly sworn, on oath says:

is Business Manager of the Carlsbad Argus, a newspaper published daily at the Carlsbad, in said county of Eddy, state of New Mexico, of general paid circulation in said county; same is a duly qualified newspaper under the laws of the State wherein legal notices and advertisements may be published; that the printed notice attached hereto, was published in the regular and ordinary issue of said newspaper and not in supplement or extra issue on the date as follows, to wit:

2	2003
	2003
	2003
	2003

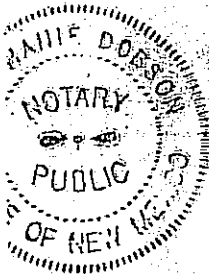
Cost of publication is \$ 410.53
Payment thereof has been made and will be paid as court costs.

Dawn Higgins

Subscribed and sworn to before me this

day of October, 2003
Stephanie Dobson

Commission expires 12-13-05
Notary Public



NEW MEXICO, COUNTY OF EDDY
ON OCTOBER 23, 2003 AT 10:31 AM
, PAGE 956 OF THE ORDINANCE
Walter Blenden
CLERK, COUNTY CLERK



Eddy County

NOTICE OF PUBLIC HEARINGS
FOR PROPOSED ORDINANCES

0-03-43, Eddy County Rural Addressing

and

0-03-44, Eddy County Flood Plain Management

Public hearings will be held at the following locations:

Tuesday, October 14, 2003, 6:00 p.m.
Eddy County Fairgrounds Community Center
3204 S 15th Street
Artesia, NM 88210

Thursday, October 16, 2003, 6:00 p.m.
Otis Community Center
2513 Banister Road
Carlsbad, NM 88220

Tuesday, October 21, 2003, 8:30 a.m.
Eddy County Commission Chambers
101 W. Greene Street
Carlsbad, NM 88220

For additional information regarding these proposed ordinances, or to receive a copy of the proposed ordinances, please contact the Office of the County Manager, 101 W. Greene, Carlsbad, NM 88220, (505) 887-9511, or the Eddy County Sub-office, 11 N. First Street, Artesia, NM 88210, (505) 746-9879, or log on to www.eavems.net/ecourt. Written comments may be submitted to the Office of the County Manager, but must be received before Friday, October 17, 2003, to be considered by the Court Commission. Comments can also be sent to ecourt@carlsbadnm.com. Anyone needing special accommodations for the hearings should contact the Office of the County Manager at least 48 hours prior to the public hearing.

Summary of Ordinances

Proposed Ordinance 0-03-43

This ordinance has been prepared to consolidate a number of existing policies and resolutions related to property addressing in the unincorporated areas of Eddy County. It is broken down into 15 sections as outlined below:

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|--------------------------------|----------------------------------|-------------------------|
| Sec. 1: Purpose | Sec. 6: Jurisdiction | Sec. 11: Road Signs |
| Sec. 2: Effective Date | Sec. 7: Application of Ordinance | Sec. 12: Prohibitions |
| Sec. 3: Conflicting Provisions | Sec. 8: Addressing | Sec. 13: Savings Clause |
| Sec. 4: Authority | Sec. 9: Road Names | Sec. 14: Penalties |
| Sec. 5: Administration | Sec. 10: Renaming Roads | Sec. 15: Definitions |

Proposed Ordinance 0-03-44

Eddy County Flood Plain Management

New Mexico State Statute, section 9-18-7, now requires Eddy County to adopt an ordinance to mitigate hazards in designated flood areas of Eddy County. This ordinance will only affect the unincorporated areas of Eddy County. This ordinance is similar to those in existence for the Cities of Artesia and Carlsbad. Overall, the ordinance will place certain restrictions on new construction in flood hazard areas of Eddy County, but will also make available, through the Federal Emergency Management Agency, flood insurance for structures currently located in flood hazard areas. The ordinance is broken down into six articles as outlined below:

- Article I: Statutory authorization, findings of fact, purpose and methods.
- Article II: Definitions.
- Article III: General Provisions, which includes applicable land; basis for establishing those lands; floodplain pre-determination and use permits; compliance; penalties; restrictions; interpretation; and warnings and disclaimer of liability.
- Article IV: Administration, which includes the designation of a floodplain administrator and their duties; use permit procedures; elevation and floodproofing certificates; and variance procedures.
- Article V: Provisions for flood hazard reduction.
- Article VI: Severability.

By: *Stephen Massey*
Stephen Massey, County Manager