

FILED
BETTY J. WRIGHT
RECORDER
BENTON COUNTY, IOWA

ORDINANCE NO. 33

Uniform Rural Address System Ordinance No. 33 of Benton County, Iowa. 1997 APR 23 A 10:59

Be It Enacted by the Board of Supervisors of Benton County, Iowa, that Ordinance 23 is hereby repealed and Ordinance 33 is adopted in lieu thereof.

Section 1.

Purpose. This ordinance mandates the use of a uniform rural address system for residents of Benton County in order to promote the convenience, safety and general welfare of those residents and provides for a penalty.

Section 2.

Definitions. For use in this ordinance, the following terms or words shall be interpreted or defined as follows:

1. "Person" shall mean any individual, firm, corporation, unincorporated association or other entity.
2. "Subdivision" shall mean the division of a tract of land into separate lots or parcels for the purpose of transfer of ownership or building development.
3. "Building" shall mean a roofed and/or walled structure built for permanent use.
4. "Base Map" shall mean the map used by the agency coordinating the uniform rural address system in Benton County. Such map shall indicate all addresses in Benton County subject to the provisions of this ordinance.
5. "Engineer" shall mean the Benton County Engineer.
6. "Rural Address System Custodian" shall mean the person or persons designated by the Board of Supervisors to maintain the Rural Address System.
7. "Board" shall mean the Benton County Board of Supervisors.

Section 3.

Establishment by Resolution. The Board shall, by resolution, establish the type of uniform rural address system to be used in Benton County.

Section 4.

Extent of System. The uniform rural address system shall extend over the entire unincorporated areas of Benton County except for those areas already using the system of a nearby incorporated area. Unincorporated areas using an address system not attached to an incorporated areas shall be subject to the provisions of this ordinance. Any incorporated area, upon presentation of a written request from the governing body of such city to the Board, may also be included in the uniform rural address system.

Section 5.

Implementation of the System. The Board shall direct the Rural Address System Custodian to:

1. Verify the accuracy of the base map that shall be used in the assignment of addresses.
2. Make all necessary corrections and updates to that map.
3. Assign addresses in accordance with the system selected by the Board.
4. Purchase sign assembly materials which meet Iowa Department of Transportation specifications.
5. (Street and Avenue system only.) Develop, print, and distribute rural reference maps for rural emergency providers, dispatchers, all county officers, emergency vehicles, the U.S. Post Office, every rural residence and the general public.
6. Notify post offices, rural emergency providers, dispatchers, emergency vehicles, all county offices, and all providers and offices located in adjacent counties whereby such districts overlap in to Benton County of the effective date of the system and the Address assignments.
7. Distribute or make available the rural address signs.

Section 6.

The Benton County E911 Board shall send notification to all residents affected by this system. Such notification shall state:

1. The date the system will take effect.
2. The date the post office and county departments will start using the system.
3. The location and time when individual address markers can be obtained.
4. The date the markers shall be in place.
5. Where the markers shall be placed.
6. An explanation of the system and how to use it.

Section 7.

Road Markers. (Street and Avenue System only.) The Engineer shall supervise the installation of road identification markers at each road intersection in Benton County whereby the provisions of this ordinance apply. Such markers shall be in place on or before the date the system takes effect.

Section 8.

House Numbers.

1. Benton County shall install for every person owning, controlling, occupying, or using any house, store, storeroom, or building situated on premises fronting any public way as provided in Section 4, a permanent marker on such premises indicating the assigned number. Any house number existing at the time the provisions of this ordinance take effect and that is different than the newly assigned number shall be removed at the time the new number is installed.
2. The house marker sign, post and numbers will be furnished by the Rural Address System Custodian and it shall be the responsibility of Benton County to erect the sign. House markers shall be placed on Benton County property next to the land owner's property line and adjacent to and to the right of the main driveway to the property. The house marker shall be placed so it is clearly visible from either direction on the county roadway.
3. In such cases where houses are located in housing developments, the lots will be numbered beginning with lot 1 and up. The individual lot number sign shall be located on the right side upon entering the drive entrance to each lot within the development. Benton County will install a sign indicating the address number and the range of lot numbers located within the development. Such sign will be clearly visible for responding emergency services and located as close to the main road entrance into the development as possible.
4. In such cases where houses are located in unincorporated towns using their own street naming system, it shall be the responsibility of the land owner to erect and maintain house numbers. Such numbers shall be contrasting in color and a size large enough to be easily read from the public road.
5. The provisions of this ordinance shall not apply to accessory buildings but may apply to such buildings located on a separate unit of frontage if requested by the owner or proprietor.

Section 9.

New Structures. Every person erecting a building as set forth under the provisions of Section 8 of this ordinance but after the date the uniform rural address system becomes effective shall, within seven (7) days of commencement of construction, notify the Rural Address System Custodian, who shall within fourteen (14) days assign a number to such structure. The provisions of Section 5 and Section 8 shall be applicable to any person subject to the provisions of this section.

Section 10.

Maintenance of Uniform Rural Address System. The Rural Address System Custodian shall be responsible for the continued maintenance of the uniform rural address system in Benton County. These duties shall include assignment of all new addresses, providing markers for new addresses, installing replacement markers, replacing street markers as needs (Street and Avenue system only), in conjunction with the County Engineer, update maps, issuing new maps on an annual basis to the agencies and persons provided for in Section 5, Subsection 5 (Street and Avenue system only), make periodic checks of the rural areas of Benton County to insure that the provisions of this ordinance are being complied with, and any other duties necessary to insure the continued maintenance of the uniform rural address system of Benton County.

A fee for said replacement markers, covering the cost of said markers, shall be paid to Benton County by persons needing replacement markers. Such fee shall cover the cost of the sign, numbers, post or any part thereof.

Section 11

Investigation and Enforcement: The Rural Address System Custodian, or other authorized representatives of the Board, shall investigate alleged violations of this ordinance and shall also enforce the provisions of this ordinance.

Section 12.

Penalty.

1. Refusal to use the Uniform Rural Address System, or removal, damaging, defacing, altering or destruction of the Uniform Rural Address Marker which indicates a premise's assigned number or the removal, damaging, defacing, alteration or destruction of a rural address system marker intentionally by one who has no right to so act will constitute a violation of this ordinance. If convicted, a person may be punished by a fine of not more than \$100.00 or by imprisonment of not more than 30 days. The landowner shall be responsible for notifying the Rural Address System Custodian of said removal, damaging, defacing, alteration or destruction of a rural address marker within seven days. In addition, any violation of this section shall be a county infraction which is punishable by a civil penalty of not more that \$100.00 for each violation, or if the infraction is a repeat offense a civil penalty not exceeding \$200.00 for each repeat offense.

2. The Rural Address System Custodian may issue a civil citation to a person who commits a county infraction. The citation may be served by personal service or by certified mail return receipt requested. A copy of the citation shall be retained by the Rural Address System Custodian and one copy shall be sent to the Clerk of the District Court. The citation shall serve as notification that a civil offense has been committed and shall contain the name and address of the respondent; the name or description of the infraction; the location and time of the infraction; the amount of the civil penalty to be assessed; the manor, location, and time in which the penalty may be paid; the time and place of the court appearance; the penalty for failure to appear in court.

3. If the person named in the citation is served as provide in this section and fails without good cause to appear in response to the civil citation, judgement shall be entered against the person cited.

4. If a violator wilfully fails to pay the civil penalty or violates the terms of any other order imposed by the court, such failure shall constitute contempt.

Section 13.

Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 14.

Severability Clause. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 15.

When Effective. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

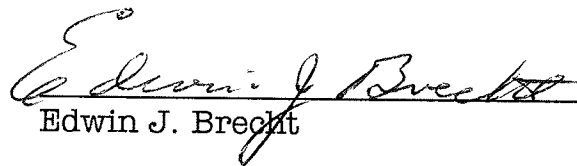
PASSED AND ADOPTED by the Board of Supervisors this 15th day of April 1997.



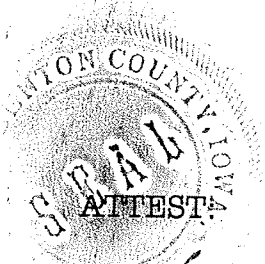
Ed Sass, Chairman



Dell Hanson



Edwin J. Brecht



Jill Marlow, Auditor

Published Summary of Ordinance #33	April 9, 1997
First Consideration of Ordinance #33	April 15, 1997
Waived Further Considerations of Ordinance	April 15, 1997
ADOPTED ORDINANCE #33	April 15, 1997
Published Ordinance #33	April 23, 1997

I, Jill Marlow, do hereby certify the above to be a true and correct copy of Ordinance #33 and the dates of consideration & publication are correct. 