

ORDINANCE 2005-2

AN ORDINANCE ADOPTING A UNIFORM ROAD NAMING AND RURAL ADDRESSING SYSTEM FOR THE PURPOSES OF EMERGENCY SERVICES, PUBLIC SAFETY, ROAD NAMES, STREET SIGNS, AND ROAD MAPPING; REQUIRING OWNERS AND OCCUPANTS OF EVERY HOUSE AND BUILDING IN THE AREA COVERED BY THE RURAL ADDRESSING SYSTEM TO DISPLAY ASSIGNED NUMBERS; PROVIDING FOR THE SEVERABILITY OF PARTS HEREOF; REPEALING ORDINANCE NO. 1997-6; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to authority granted under NMSA §4-37-1 through §4-37-13, and pursuant to §63-9D-1 through §63-9D-20 (the Enhanced 911 Act), the Board of County Commissioners of the County of Lincoln, New Mexico, adopted Ordinance 1997-6 on December 16, 1997, enacting provisions for uniform rural addressing of the unincorporated areas of the County of Lincoln for reasons of public safety and with regard to emergency services, street signs, and road maps; and

WHEREAS, since the enactment of County of Lincoln Ordinance No. 1997-6, the County's Rural Addressing Department has undertaken to determine the physical address for parcels of property within said unincorporated areas of the County of Lincoln; and

WHEREAS, the Board of County Commissioners desires to repeal Ordinance No. 1997-6 and enact new provisions which will more effectively designate and implement road naming and addressing; and

WHEREAS, the Board of County Commissioners of the County of Lincoln has determined there is a need to have an ordinance for the County of Lincoln which requires a uniform method of road naming and rural addressing to provide for the safety, preserve the health and welfare, and promote the order, comfort, and convenience of the County of Lincoln and its inhabitants.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of the County of Lincoln, New Mexico, as follows:

TABLE OF CONTENTS

Section 1: Title 3

Section 2: Purpose 3

Section 3: Applicability 3

Section 4: Definitions 3

Section 5: Road Naming and Site Addressing System Requirements 4

A: General 4

 1) Addressable Structures or Units 5

 2) Roads 5

 3) Display of Address Numbers and Road Name Signs 5

 4) Assignment or Modification of Address Numbers or Road Names 5

 5) Ownership of Road Name Signs 5

B: Road Naming 6

 1) New Road Names 6

 2) Renaming Existing Road Names 7

C: Road Name Signs 7

 1) Road Name Signs for Roads that are Maintained by the County 7

 2) Road Name Signs for Roads that are Privately Maintained 8

D: Address Numbers 9

 1) Assignment of an Address Number to new addressable structures or units on existing lots 9

 2) Display of Address Numbers 10

Section 6: Site Address and/or Road Name Assignment and Modification 10

A: Property Owner-Initiated 10

B: County-Initiated 11

 1) Where the Rural Addresser is proposing to name or rename a road 11

 2) Where the Rural Addresser is proposing to assign or change an address number 12

Section 7: Appeals 12

Section 8: Compliance and Enforcement 12

Section 9: Severability 13

Section 10: Effective Date and Repeal of Ordinance 1997-6 13

Section 1. Short Title.

This Ordinance shall be known and may be cited as the Road Naming and Site Addressing System for the County of Lincoln, New Mexico.

Section 2. Purpose.

This Ordinance is enacted for the purpose of establishing and maintaining policies and procedures in order to:

- A. provide property owners, the general public and the County of Lincoln with an accurate and systematic means of identifying and locating property;
- B. assist in the proper delivery of mail, packages, utilities, and other services;
- C. provide a means for expedient emergency response by medical, law enforcement, fire, rescue, and any other emergency services;
- D. assign address numbers to new addressable structures or units, assign address numbers to existing addressable structures or units that currently do not have a site address, modify address numbers on existing addressable structures or units when necessary, name new roads, name existing roads without a name, rename existing roads when necessary in order to provide for efficient public services as identified in (A), (B), and (C) above, and acquire sufficient mapping to manage the Road Naming and Site Addressing System; and
- E. govern the display of property address numbers and provide for accurate road name signage, installation, and maintenance thereof.

Section 3. Applicability.

This Ordinance establishes a Road Naming and Site Addressing System for the County of Lincoln. This Ordinance shall apply to each improved parcel and tract of land, within the unincorporated areas of the County of Lincoln, excluding all Federally owned lands and State owned lands.

Section 4. Definitions.

Address Management System (AMS): Address Management System (AMS) offices of the United States Postal Service (USPS) each serve several regional post offices. Their primary purpose is to maintain official records of valid mailing addresses for their region. In addition to maintaining current records of valid mailing addresses, AMS offices also review and approve address changes for adherence to USPS standards

Address Number: The numeric designation for an addressable structure or unit. e.g.: If 101 Main St is the site address, 101 is the Address Number.

Address Placard: An individual address plate identifying the address number of a structure.

Addressable Structures or Units: Generally, the habitable or occupied structures(s) on a lot, parcel, or tract.

Building Permit: A permit issued by the State of New Mexico Construction Industries Division and/or the Division of Manufactured Housing before any construction activity can commence.

County Rural Addresser: Person(s) designated by the County Manager to administer the County of Lincoln Road Naming and Site Addressing System.

Directional: a maximum of 2 letters within an address that consists of any combination of the cardinal directions of North, South, East, West.

Driveway: a means of vehicular access, beginning at the property line of a lot abutting a public road, private road, access easement, or private right of way, that provides access to a building or structure on that lot.

Homonym: road names that have identical or phonetically similar names.

Inconsistent Site Address or Road Name: A site address or road name that causes confusion to or hinders the efficient operation of the post office or delivery service, fire response agency, emergency medical service or law enforcement agency serving the County of Lincoln (e.g. duplicate road names, address numbers or ranges that are out of sequence).

Lot: A lot, parcel or tract of land created by legal conveyance of said lot, parcel or tract; a lot, parcel or tract shown on a subdivision plat which was approved and recorded, according to the subdivision regulations in effect at the time of approval; a lot, parcel or tract created by approval of the County Commissioners in conformance with subdivision regulations in effect at the time of approval.

Mailing Address: the address to which mail from the U.S. Postal Service is sent.

Private Road: Any road not included in a right of way dedicated to the public.

Public Road: Any road included in a right of way dedicated to the public.

Site Address: a property identification comprised of an address number, a directional, a road name, a road type, and a unit number if applicable.

Road: A general term denoting a public or private way used for access to four or more lots, parcels, or tracts of land, including the entire area within the right of way and/or access easement.

Subdivision: all types of land divisions subject to the County of Lincoln Subdivision Regulations and Land Use Code.

Section 5. Road Naming and Site Addressing System Requirements.

A. General.

1. Addressable Structures or Units.

- a. All new addressable structures or units shall be assigned a site address by the County Rural Addresser.
- b. Existing addressable structures or units that do not have a site address shall be assigned a site address by the County Rural Addresser.
- c. The site address of existing addressable structures or units that have an inconsistent site address shall be changed when necessary by the County Rural Addresser.
- d. The State of New Mexico Construction Industries Division, utility companies, and the Village of Ruidoso and/or any other governing body shall not issue a building permit to any lot, parcel, or tract of land subject to this Ordinance until after the County Rural Addresser has assigned a site address.
- e. No person or utility company 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 building required by this Ordinance to be assigned an address without first receiving an address from the County Rural Addresser.

2. Roads.

- a. New roads shall be assigned a road name approved by the Board of County Commissioners.
- b. Existing roads without a name shall be assigned a road name approved by the Board of County Commissioners.
- c. Existing roads with inconsistent road names shall be renamed when necessary by the County Rural Addresser and approved by the Board of County Commissioners.

3. Display of Address Numbers and Road Name Signs.

- a. Address numbers shall be displayed, where the driveway meets the road, on every addressable structure.
- b. The County of Lincoln standard road name signs shall be required at all road intersections on private and public roads.

4. Assignment or Modification of Address Numbers or Road Names.

- a. The County Rural Addresser shall be responsible to assign or modify address numbers or road names.
- b. The Board of County Commissioners shall approve all road names.

5. Ownership of Road Name Signs. All road name signs required by this Ordinance shall be the property of The County of Lincoln. No one shall willfully destroy or remove any such road name signs.

B. Road Naming.

1. New Road Names.

- a. The final plat for all new lots, including rural land plans, shall not be recorded until the County Rural Addresser has accepted the names of all roads and signed said plat, and the Board of County Commissioners has approved said plat.
- b. All public or private roads, including private access easements, that serve more than four parcels shall be named, have road name signs, and have address ranges calculated.
- c. Driveways shall not be assigned road names. The site address will include the name of the public or private access road with which the driveway intersects.
- d. The County's assignment of a road name shall not constitute or imply acceptance of the road into the County Road Maintenance Program.
- e. The road name shall not be a proper name or family surname, unless historically significant.
- f. Road names shall not use corporate trade names unless coincidental.
- g. Upon adoption of this Ordinance, road names shall not be duplicated within the County of Lincoln.
- h. Road names should not be inconsistent, possibly hindering the operations of any of the following agencies: post office or delivery service, fire response agency, emergency medical service, or law enforcement agency serving the County of Lincoln.
- i. Adjectives may be duplicated in a road name as long as they are not duplicated in the same subdivision (e.g., Red Stone Road and Red Fox Road).
- j. Homonyms/phonetic duplications of road names are prohibited (e.g., Maple Trace Road and Maple Chase Lane).
- k. Road names shall not include obscene, racial, and/or derogatory terms. Because North, South, East and West are directional features of the addressing system and lead to confusing addresses if included as part of the name, cardinal directions shall not be part of any road name (e.g., Westover Road or Southwick Dr are not acceptable). Acceptable abbreviations for cardinal directions are N, S, E, and W or some combination thereof to represent direction.
- l. Numbers shall not be used in road names except for those used in State, or Federal road systems.
- m. Continuous roads must retain the same road name and cannot change at intersections.

n. The names of State and Federal Highways are assigned based on their State or Federal Highway number. If any given section of a road has multiple designations, e.g.: a State and a Federal Highway number or two Federal Highway numbers, the following hierarchy shall be used within the County of Lincoln addressing/road naming system:

i) Federal Highway number (lowest Federal Highway number takes precedence if more than 1.

ii) Forest Service Roads.

iii) State Highway number (lowest State Highway number takes precedence if more than 1.

o. Abbreviations used for road name prefixes and suffixes must be United States Postal Service compliant (e.g. N, S, E, W, RD, ST, LN). This list of abbreviations is in the office of the Rural Addresser. The following suffixes will not be used: Drive, Boulevard, Street or Avenue.

p. The main title of a road name shall not be abbreviated (e.g., Mount Shasta Dr NOT Mt. Shasta Drive).

2. Renaming Existing Road Names. The standards listed in Section 5(B)(1), on page 7 hereof, apply when existing roads are renamed except as follows:

a. Historically significant road names shall be retained where feasible. The desire to maintain these road names to commemorate local history will be balanced with the ultimate goal of making road names easy to use by citizens, visitors, and service providers.

b. Road names governed by this Ordinance shall not be duplicated within the County of Lincoln.

c. If two existing roads have duplicate names such that one road name must be changed, the first road to have used the name shall retain that name. If it cannot be determined or verified which road used the name first, the road with fewer addressable structures or units shall be renamed. Refer to Section 5(B)(1), on page 7 hereof.

d. The County Rural Addresser may initiate a change to an existing road name if necessary pursuant to Section 6.

C. Road Name Signs.

1. Road Name Signs for Roads that are Maintained by the County of Lincoln.

a. Road name signs are required on all public roads that are maintained by the County. These signs shall be displayed at all road intersections in the County of Lincoln.

b. The composition, size and height of road name signs on County maintained roads must comply with the County of Lincoln Road Standards.

- c. Road name signs on County-maintained roads shall be a minimum of four inches (4") high, with highly reflective letters, and have a Green Background with White Letters, unless in an approved Historic District, where Brown Background with White Letters shall be used.
- d. The signs shall be placed at least seven feet (7') from the ground level when mounted, and shall consist of U-channel posts and breakaways.
- e. Road name signs shall be placed in the right-of-way. The location of road name signs must not obscure any potential traffic hazard. At any location where the typical placement of a sign interferes with a safe sight distance, an alternate location shall be found.
- f. Only those road name signs assigned and approved by the Board of County Commissioners are allowed at roadway intersections. The County may remove any road name signs displaying unapproved road names or road name signs that do not comply with the County of Lincoln Road Standards.
- g. Personal signs that are similar to County signs, or any other type of sign that may cause confusion, may not be placed within two hundred feet (200') of any road right-of-way or intersection.
- h. The funding, manufacture, and installation of County of Lincoln standard road name signs on County-maintained roads shall be the responsibility of the County of Lincoln, except as in subsection (j) below.
- i. The ongoing maintenance of County of Lincoln standard road name signs on County maintained roads shall be the responsibility of the County of Lincoln.
- j. Road name signs for new and existing public roads in all subdivisions, claims of exemption, or any other plat(s) approved by the County of Lincoln, including Land Use Plans, shall be installed and paid for by the developer or land owner(s) (purchased through the County Rural Addresser, at County's cost), including all road name signs that must be changed or added between the location of the subdivision and the County road or State/Federal highway providing access to the subdivision.

2. Road Name Signs for Roads that are Privately Maintained.

- a. Road name signs are required on all roads that are privately maintained. These signs shall be displayed at all road intersections in the County of Lincoln.
- b. The composition, size and height of road name signs on privately maintained roads must comply with the County of Lincoln Road Standards.
- c. Road name signs on Privately Maintained roads shall be a minimum of four inch (4") high letters and have a Blue Background with White Letters, unless in an approved Historic District, where Brown Background with White Letters shall be used.
- d. The signs shall be placed at least seven feet (7') from the ground level when mounted, and shall consist of U-channel posts and breakaways.

- e. The location of road name signs must not obscure any potential traffic hazard. At any location where the typical placement of a sign interferes with a safe sight distance, an alternate location must be found.
- f. Only those road name signs assigned or approved by the Board of County Commissioners are allowed at roadway intersections. The County may remove any road name signs displaying unapproved road names or road name signs that do not comply with the County of Lincoln Road Standards.
- g. Personal signs that are similar to County signs, or any other type of sign that may cause confusion, may not be placed within two hundred feet (200') of any road right-of-way.
- h. County of Lincoln standard road name signs are required on roads not maintained by the County.
- i. The funding, manufacture, and installation of all new County of Lincoln standard road name signs required as a result of this Ordinance on privately maintained roads will be the responsibility of the property owners using the road.
- j. The costs associated with ongoing maintenance for the County of Lincoln standard road name signs on privately maintained roads will be the responsibility of the property owners using the private road.
- k. Road name signs for new and existing private roads in all subdivisions, claims of exemption, or any other plat(s) approved by the County of Lincoln, including Land Plans, shall be installed, paid for by the developer (purchased through the County Rural Addresser, at County's costs), and maintained, including all road name signs that must be changed or added between the location of the subdivision and the County road or State/Federal highway providing access to the subdivision.

D. Address Numbers.

1. Assignment of an Address Number to new addressable structures or units on existing lots.

- a. All new addressable structures or units on all existing platted lots, unplatted tracts/parcels, and tracts/parcels developed by metes and bounds shall be assigned site addresses only after the property owner/developer has made a final determination of the driveway/access point and is ready to apply for a building permit.
- b. Before a building permit is issued, a driveway location must be ready and a site address must be assigned by the County Rural Addresser.
- c. Only one address per parcel will be issued. If more than one residence is on a single parcel, the owner will be given a master number (i.e., 100 Main Rd) and the owner must assign numbers (i.e., 100 Main Rd, #2) to each residence and provide the numbers and a map showing the location of each residence to the County Rural Addresser.

d. Addresses will be issued only to improved parcels. Address range for vacant parcels or lots may be provided to lender if requested.

e. Addresses will not be issued to any new subdivision, claim of exemption, or any other plat.

2. Display of Address Numbers. All owners of addressable structures or units shall establish and display their assigned address number in conformity with the following standards:

a. The address placard shall be two-sided, numbers placed in a horizontal position, a minimum of 4" high reflective numbers, have a black background with white numbers, and be displayed where the driveway meets the road, perpendicular to the road on a post approximately 42 inches to 48 inches to bottom of sign from road level.

b. Any address number associated with an incorrect site address shall be removed and replaced with the correct number by the property owner within 45 days of notification of the correct address by the County Rural Addresser. The property owner shall be responsible to purchase, install, and maintain the correct structure address numbers. Numbers can be purchased through the County Rural Addresser, at County's cost.

Section 6. Site Address and/or Road Name Assignment and Modification.

A. Property Owner-initiated. Any property owner may initiate a change to an existing road name for a public or private road that provides vehicular access to his/her property through the following procedures:

1. Property owners (petitioners) must contact the County Rural Addresser to request procedures and application materials for a road name change.

2. Petitioners must complete the appropriate form and indicate the reason for the requested road name change. The petitioners shall list three or more desired names ranked in their order of preference on the form. At least seventy five percent (75%) of property owners with land taking vehicular access from the road must agree to the road name change by signing the form and indicating their property parcel identifier(s).

3. Petitioners shall submit the completed form to the County Rural Addresser. The County Rural Addresser will verify the information supplied on the form. The Board of County Commissioners will approve one of the suggested road names, provided it is in accordance with the road naming requirements, the change will not impair the intent and purpose of this Ordinance, and the new site address has been approved by the Address Management System.

4. If the form is not completed properly, or if the proposed road name does not meet these requirements, the County Rural Addresser will notify the petitioners that their request has been denied, list reason(s) for denial, and provide information describing additional action required.

5. If the location of the subject road is not yet field verified and digitized, the County will map the road prior to acting on the petition.

6. The recorded original plat will not reflect changes to road names. The owner's deed need not be corrected at the time of the road name change. When the property is sold, the property owner should reflect the new road name on the deed. The change may be reflected on the deed as follows:

Street address: 2000 XYZ Road, formerly known as 2001 ABC Road.

7. Owners of property taking vehicular access along the road with the changed name are responsible for the cost of as many road name sign(s) as are required by the County of Lincoln Road Standards and the cost of installation thereof. When the petition is submitted, full name and billing information (mailing address, physical address, and contact phone number) for one petitioner must be left with the County for the purpose of billing for the costs of signs and installation.

8. A bill covering the costs for the road name signs and installation will be sent to the individual listed within the billing information on the petition, along with the County Rural Addresser's preliminary approval of the road name change.

9. Final approval for the road name change is contingent on acceptance by the Board of County Commissioners and full payment of the bill covering the costs for the road name signs and installation.

10. The County will commence installation of the road name signs once the bill for the signage costs has been paid in full and final approval of the road name change has been given by the County Rural Addresser.

11. The County of Lincoln will be responsible for the manufacture, installation, and maintenance of road name sign(s) only on those signs where the roads are maintained by the county. On privately maintained roads, it is the responsibility of the property owners to call the County Rural Addresser for replacement signs. Costs for signs, posts and/or hardware will be the responsibility of the property owners.

B. County-initiated. The County of Lincoln shall balance the need to modify existing address numbers and/or road names for compliance with this Ordinance and postal standards with the desire to retain existing address numbers and/or road names where possible. The County of Lincoln may initiate one or more of the following: the naming of an unnamed road, the modification of an existing road name, the assignment of an address number to an unaddressed structure or unit, or the modification of an existing address number through the following procedures:

1. Where the County Rural Addresser is proposing to name or rename a road:

The County Rural Addresser shall complete the appropriate form describing the proposed road name assignment or change and listing three pre-approved road names on the form. The County Rural Addresser will mail the form to the affected property owners. Affected property owners include those persons whose land has vehicular access to the road proposed to be named or renamed.

- a. The form will encourage affected property owners to hold a neighborhood meeting to try to reach consensus on one of the pre-approved road names listed on the form or on a different road name that complies with this Ordinance.
 - b. No later than 45 days from the date on the form, each property owner may state his/her preferred road name by completing, signing and returning the form to the County Rural Addresser.
 - c. The Board of County Commissioners will approve the new road name based on the name selected by the majority of property owners on the forms completed and returned by the property owners. In the event of a tie vote or in the event no property owners return the form, the Board of County Commissioners shall select the road name at their sole discretion.
 - d. Changes to site addresses, which include changes to road names where addressable structures or units exist, are subject to approval by the United States Postal Service Address Management System (AMS). If a site address is not approved, then the above steps will need to be repeated until the Address Management System approval is attained.
 - e. After site addresses have been approved by the Address Management System, the County Rural Addresser will send a Site Address Notification Letter to affected property owners. At this time, the County Rural Addresser will notify property owners of any site address changes or road name changes.
 - f. The County of Lincoln will be responsible for the manufacture and installation of road name sign(s). The County of Lincoln will be responsible for maintenance only on county maintained roads. On private roads, the property owners using the road will be responsible for contacting the County Rural Addresser for replacement signs and for payment of the sign(s).
- 2. Where the County Rural Addresser is proposing to assign or change an address number:**
- a. The assignment of the address number is not subject to the property owners' approval.
 - b. After new site addresses have been approved by the Address Management System, the County Rural Addresser will send a Site Address Notification Letter to affected property owners. At this time, the County Rural Addresser will notify property owners of any changes to address numbers.

Section 7. Appeals.

Decisions of the County Rural Addresser may be appealed to the County Manager. The County Manager's decision may be appealed to the Board of County Commissioners.

Section 8. Compliance and Enforcement.

- A. All provisions of this Ordinance may be enforced by any legal or equitable means recognized by the New Mexico Revised Statutes and New Mexico Court Rules, as amended. In addition to any other

remedies that may be recognized in law or equity, for any unlawful use or development, the County of Lincoln may:

1. Deny and withhold all permits, certificates or other forms of authorization to use or develop any land, structure or improvements thereon. This provision applies whether or not the current owner is responsible for the violation.
2. Revoke any development permit or other authorization if it is determined there is a departure from the approved plans, specifications or conditions of approval or the development permit was obtained by false representation or issued in error. Written notice of revocation must be served upon the owner, the owner's agent or the owner's contractor to whom the permit was issued or the notice may be posted in a prominent location at the place of the violation.
3. Initiate injunction or abatement proceedings or other appropriate legal action in district court or other court having jurisdiction against any person, firm, corporation or entity who fails to comply with any provision of this Ordinance or any requirements or condition imposed under this Ordinance.
4. Seek a court order in the nature of mandamus, abatement, injunction or other action to abate or remove a violation.
5. Withhold all public road improvements and public maintenance from all rights-of-way that have not been accepted for those purposed by the county commissioners.

B. All remedies provided for violations of this Ordinance are cumulative.

Section 9. Severability.

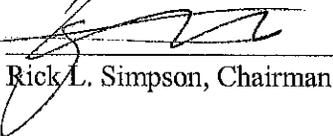
In the event any section, part, or sub-part of this Ordinance shall be determined to be in violation of the Constitution or Statutes of the State of New Mexico by a court of competent jurisdiction, that Section shall be stricken and be thereafter unenforceable. Such determination shall not invalidate the application or enforcement of the remaining Sections.

Section 10. Effective Date and Repeal of Ordinance 1997-6.

This Ordinance shall be recorded upon adoption and become effective thirty days thereafter, at which time Ordinance No. 1997-6 shall be repealed.

PASSED, APPROVED, and ADOPTED this 19th day of April, 2005.

**BOARD OF COUNTY COMMISSIONERS
OF LINCOLN COUNTY, NEW MEXICO**


Rick L. Simpson, Chairman

Tom Battin

Tom Battin, Vice Chairman

" Out of State for Signature "

Earl Hobbs, Member

Eileen M. Lovelace

Eileen Lovelace, Member

" Voted No "

Mauriece St. John, Member

Attest:

Tammie J. Maddox

Tammie J. Maddox
Lincoln County Clerk

countyatty/wm/ordinances/911 rural adressg 2005/4-19-05



LINCOLN COUNTY-NM
TAMMIE J MADDOX, CLERK
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