



REQUEST FOR BOARD ACTION

ITEM NO. 12.

DATE OF MEETING: September 17, 2012

REQUESTED BY: Jerry Simmons, GIS Administrator and Erik Harvey, Director, ITS Department

SHORT TITLE: Resolution Authorizing Approval of Amendments to the Pender County Road Naming Ordinance

BACKGROUND: Pender County originally adopted a Road Naming Ordinance on December 3, 1990 making the Addressing Coordinator responsible for enforcing all aspects of the current ordinance. The Board of Commissioners authorized the Addressing Coordinator to determine the need for road name changes as well as changes to the Road Naming Ordinance. The recommended amendments to the Road Naming Ordinance are to improve the ordinance in two areas. There are recommendations to the ordinance to clarify terminology, reorganize content, and correct text so that it is more consistent. The other recommendations are to provide support for existing items in the ordinance where the ordinance has been unclear or needs further explanation. A copy of the ordinance incorporating these amendments is attached.

SPECIFIC ACTION REQUESTED: To consider a resolution authorizing approval of amendments to the Pender County Road Naming Ordinance.

COUNTY MANAGER'S RECOMMENDATION

Respectfully recommend approval.


Initial

RESOLUTION

NOW, THEREFORE BE IT RESOLVED by the Pender County Board of Commissioners that:

the Pender County Board of Commissioners hereby adopts the new road names listed in this resolution. The County Manager/Chairman is authorized to execute any and all documents necessary to implement this resolution.

AMENDMENTS:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS

YEA VOTES: Brown ___ Tate ___ Rivenbark ___ Ward ___ Williams ___

George R. Brown, Chairman 9/17/12
Date

ATTEST 9/17/12
Date

**G ROAD NAMING ORDINANCE
FOR THE
COUNTY OF PENDER, NORTH CAROLINA**

ARTICLE I Title, Authority, Purpose, and Jurisdiction

Section 101 Title

This ordinance shall be known and may be cited as the Road Naming Ordinance for the County of Pender, North Carolina.

Section 102 Authority

This ordinance is adopted under the authority and provisions of the General Statutes of North Carolina, Chapter 153A-121, 239.1, and local modifications thereto.

Section 103 Purpose

The purpose of this ordinance is to provide a uniform system of road naming along both public and private roads in order to facilitate the provision of adequate public safety and emergency response services. This ordinance is designed to:

1. Establish the procedures by which a road may be named or by which an existing name may be changed.
2. Establish and maintain an official map and listing of all roads in Pender County.
3. Eliminate duplicate or phonetically similar road names.
4. Provide for the uniform marking of roads.

Section 104 Jurisdiction

This ordinance, the regulations, and the procedures contained herein shall apply to and govern each and every public or private road within the County of Pender outside of the jurisdiction of any incorporated municipality. ~~For the purpose of this ordinance, a road is defined as: a thoroughfare designed for the use of motor vehicles, which is the means of access to abutting property.~~

Section 105 Definitions

Road: is defined as a thoroughfare for motor vehicle use.

Private Road: A road that has not been or is not intended to be accepted for permanent maintenance by North Carolina Department of Transportation for use by the public.

Public Road: A road, so classified by the North Carolina Department of Transportation or by the standards of Pender County, designed to provide access to adjoining or abutting properties.

Street Type: Street types such as Avenue, Court, Drive, Lane, Road, Street, etc.

Directional: This includes the cardinal (North, East, South, West) or ordinal (Northeast, Southeast, Northwest, Southwest) points of direction.

Official Road Name: Any road name that has been approved by the Pender County Board of Commissioners.

ARTICLE II General Statutes

Under the authority and provision of the General Statutes of North Carolina, Chapter 153A-239.1 and local modifications thereto, a county may by ordinance, name or rename any road within the county and not within a city, and may assign or reassign street numbers for use on such a road. In naming or renaming a road, a county may not:

1. Change the name, if any, given to the road by the Board of Transportation unless the Board of Transportation agrees;
2. Change the number assigned to the road by the Board of Transportation, but may give the road a name in addition to its number; or
3. Give the road a name that is deceptively similar to the name of any other public road in the vicinity.

A county shall not name or rename a road or assign or reassign street numbers on a road until it has held a public hearing on the matter. At least 10 days before the day of the hearing the Board of Commissioners shall cause notice of the time, place, and subject matter of the hearing to be prominently posted at the county courthouse, in at least two public places in the township or townships where the road is located, and shall publish a notice of such hearing in a newspaper of general circulation published in the county. After naming or renaming a road, or assigning or reassigning street numbers on a road, a county shall cause notice of its action to be given to the local postmaster with jurisdiction over the road, to the Board of Transportation, and to any city within five miles of the road.

ARTICLE III Procedures

Section 301 Pender County Road Naming Committee *Removed 8-17-09*

Section 302 Road Naming

The Pender County Addressing Coordinator is authorized to determine the need for ~~road names and changes and, if there is not a unanimous decision among the property owners, to recommend such additions or changes to the Pender County Board of Commissioners for both private and public roads outside the corporate limits of any municipality within the county~~ **new road names or road name changes within jurisdiction of Pender County for both private and public roads outside the corporate limits of any municipality within the county.** The Board of Commissioners will entertain amendments to the Road Naming Ordinance when submitted by the **Pender County** Addressing Coordinator.

A. New Road Names

When a public or private road provides access to more than 3 residences, businesses, industries, or combinations thereof, regardless of the length of such road, a road name



shall be assigned. ~~The property owners shall provide the Pender County Addressing Coordinator a petition with the proposed road name.~~ **The property owners along such road shall provide a petition with the proposed road name to the Pender County Addressing Coordinator within thirty (30) days of written notice.** The proposed road name will be subject to review pursuant to the criteria set forth in this ordinance. If there is a unanimous decision among the property owners as to the name of the road, and as long as the submitted name satisfies the criteria established by this Ordinance, the **Pender County** Addressing Coordinator shall review the petition and approve the submitted name. If a consensus among the property owners cannot be met, the **Pender County** Addressing Coordinator after review shall submit a recommended name to the Pender County Board of Commissioners.

B. Road Name Changes

Any road officially named by the Pender County Board of Commissioners shall not be petitioned for a road name change unless: ~~1) evidence shows a mistake was made in the naming of the road in the form of deeds, plats, or maps; 2) the road has been physically altered; or 3) by special direction from the Addressing Coordinator for a unique circumstance. If petition is made for a road name change, the petition must be signed by a majority of the property owners along the road in question with each such person's mailing address and telephone number listed. The petition shall identify one of the signatories as spokesman for the applicants. Because of the cost involved and the confusion generated during this process, the county will follow a basic policy of discouraging road name changes.~~

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- 2. The road has been physically altered.**
- 3. By special direction from the Pender County Addressing Coordinator for a unique circumstance.**
- 4. If a petition is made for a road name change, the petition must be signed by a majority of the property owners along the road in question with each such person's mailing address and telephone number listed. The petition shall identify one of the signatories as spokesman for the applicants. Because of the cost involved and the confusion generated during this process, the county will follow a basic policy of discouraging petitioned road name changes.**

C. Subdivisions

For all subdivisions in which new roads are proposed, the following items must be submitted by the developer to the ~~Information Technology Services Department~~ **Pender County Addressing Coordinator** at the preliminary review phase:

1. A scaled map of the road layout with the proposed name identified on each road.
2. An alphabetical list of the proposed road names. An alternate name for each road should also be submitted for review should the proposed name not comply with subsections D and E of this Section.

The **Pender County** Addressing Coordinator will review the proposed road names for overall compliance with the Pender County Road Naming Ordinance. If a submitted road name(s) does not comply with this ordinance, the **Pender County** Addressing Coordinator will contact the developer, explain the reasons for non-compliance, and request new names be submitted.

After preliminary approval, any road configuration change or any request to change an approved road name will require resubmission of the map and the road name list for review.

The approved road names shall be identified on the final approved plan and a copy submitted by the developer to the ~~Information Technology Services Department~~ **Pender County Addressing Coordinator**.

D. Criteria

The following criteria shall be used to formulate recommendations for road names or changes:

1. When appropriate and feasible, commonly known informal road names shall be retained.
2. The **Pender County** Addressing Coordinator should consider geographical, physical, and historically significant factors regarding the road.
3. U.S. and N.C. highways shall retain their numbers as their road names throughout the county.
4. ~~Undesirable or distasteful~~ **Offensive or likely to give offense** road names shall not be used.
5. When a road naming conflict occurs between property owners, the **Pender County** Addressing Coordinator shall recommend approval of the name requested by the majority of the property owners if the proposed name meets the criteria of this ordinance.
6. Family names for road identification shall be permitted when there is a well-established ~~nonconflictual~~ **non-conflicting** history as to the particular family being the majority of the residents of the road.
7. Roads with continuous alignments should have only one name.
8. **New road segments that are an extension or a continuous alignment of an existing road shall maintain the existing road name.**

E. Prohibited Road Names

The Pender County Addressing Coordinator shall not recommend newly proposed road names which fall under the following categories:

1. Numbers used as part of the name, unless the name is well known and there is a general acceptance.
2. Names ~~that~~ **which** are difficult to pronounce.
3. Names which are less than 3 characters in total length or over 20 characters in total length, including spaces, but not including ~~suffixes~~ **street type**.

4. Names which are duplicated in neighboring counties where the roads are in the same U.S. Postal District, fire department district, rescue district, or telephone exchange.
5. Names which are similar to the name of an existing subdivision unless the road lies within that same subdivision.
6. Duplicate, near duplicate or phonetically similar road names. ~~Two streets having the same name but different suffixes are still considered duplicate names.~~
 - a. Streets having the same name but different street types are considered duplicate names.
 - b. Streets having the same name but different directional are considered duplicate names, unless they are in continuous alignment and are intersected by another road.
7. Names that contain a street type or directional within the road name field.

ARTICLE IV Official List, Official Map, and Identification

Section 401 Road Name List and Map

The Pender County ~~Information Technology Services Department~~ **Pender County Addressing Coordinator** shall maintain a listing of all official road names in Pender County as well as maintain an official street centerline database exhibiting the approved names and location of all roads in Pender County.

Section 402 Identification

A sign showing the official name and state road number shall identify all public roads in the unincorporated areas of Pender County. These road signs shall be placed at all intersections.

A sign showing the official name shall identify all private roads in the unincorporated areas of Pender County. These road signs shall be placed at all intersections.

Every road sign shall comply with the following criteria:

1. The sign blade shall be constructed of aluminum with green sheeting, 6 inches in width, and extruded edges.
2. The lettering shall be upper case, 4 inches in height, at least ½ inch in stroke, and shall be made of white reflective material.
3. The ~~suffix~~ **street type** and state road lettering shall be upper case, 2 inches in height, at least ¼ inch in stroke, and shall be made of white reflective material.
4. The post shall be constructed of U-shaped galvanized steel measuring 12 feet in height.
5. The post shall be firmly anchored with the sign blade approximately 8 feet above ground.
6. Developers of subdivisions may utilize decorative posts and brackets only if the road will not be petitioned for addition to the state highway system. In the event the sign is stolen or damaged, the developer or Homeowners Association shall be responsible for replacing the posts and brackets.
7. Sign installers shall work with the North Carolina Department of Transportation and the various utility companies as to the particular location of the sign. **If the road is**

private in nature, the sign must be installed within the right-of-way or easement of said road and be clearly visible.

Article V Installation and Maintenance

Section 501 Installation

The Pender County Public Works Department shall be responsible for the provisions of installation of road signs, except in the case of subdivisions with proposed new roads, wherein the developer in that case shall be responsible for the installation of said signs.

Section 502 Maintenance

The Pender County Public Works Department shall be responsible for repair and replacement of road signs.

Article VI Violations

It shall be unlawful for any person(s) to:

1. Erect any road sign with an unofficial name or a name that is substantially similar to any public road or private road in the unincorporated areas in Pender County.
2. Remove, deface, damage, or obscure a road sign in the jurisdiction of this ordinance.
3. Erect any road sign that does not meet the Pender County sign specifications.
4. Number or assign a number to any structure without the written approval of Pender County.

Article VII Penalty and Enforcement

Section 701 Penalty

Any person violating provisions 1 and 2 in Article VI of this ordinance shall be guilty of a misdemeanor and shall be subject to a fine of not more than fifty dollars (\$50) dollars or imprisonment of not more than thirty (30) days as provided by North Carolina General Statute 14-4C. Each day shall constitute a separate violation and shall be punishable as a separate offense.

Section 702 Civil Remedies

Any violation of this ordinance may be subject to civil remedies as set forth in North Carolina General Statute 153A-123. This ordinance shall be enforceable by citation, injunction, and restraining order. Any person violating the provisions of this ordinance shall be subject to a civil penalty for each violation in the amount of fifty dollars (\$50). Each day of violation shall constitute a separate and distinct offense.

Section 703 Enforcement

Any sworn officer, including but not limited to, Law Enforcement and Code Enforcement, or the Pender County Addressing Coordinator is authorized to issue civil citations in the name of the county for violations. Civil penalties must be paid within twenty (20) working days after a citation has been issued.

Article VIII Amendment Procedure

The Pender County Board of Commissioners may amend this ordinance as needed.

Article IX Conflict

Insofar as the provisions of this ordinance are inconsistent with the provision of another law, except state or federal law, the provision of this ordinance shall control.

Article X Effective Date

This ordinance shall be in full force and effective upon approval by the Pender County Board of Commissioners and shall supersede any and all other ordinances adopted for the purpose of naming and renaming public and private roads in Pender County.

ADOPTED this 19th day of August, 2002.

AMENDED this 17th day of September, 2012.

George Brown, Chairman

ATTEST: _____
Dr. Mickey Duvall, Clerk to the Board