

AN ORDINANCE AMENDING SECTIONS 17-2, 17-3, AND 17-4 OF THE CODE OF ORDINANCES OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT RELATING TO NUMBERING PROPERTY, ADDRESSING, RENUMBERING, MAINTENANCE OF NUMBER DISPLAY AND PENALTIES; ADDING THE DIVISION OF ENHANCED 911, OFFICE OF ADDRESSING AS THE AUTHORIZING DIVISION; AMENDING THE DEFINITIONS OF "ADDRESS", "PROPERTY NUMBER", "SITE NUMBER", "BUILDING NUMBER", "PRINCIPAL BUILDING OR STRUCTURE", AND "PRIVATE ACCESS EASEMENT"; AMENDING THE STREET NUMBER AND TYPE REQUIREMENTS; ADDING A TIMEFRAME FOR DISCONNECTED STREET ASSESSMENT; AMENDING THE RENUMBERING OF PROPERTY PROCESS; AND AMENDING THE VIOLATIONS SECTION, CORRECTING THE REFERENCE TO THE LAND SUBDIVISION REGULATIONS.

BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That Sections 17-2.(a), 17-2.(b), 17-2.(d)(2), 17-2.(d)(3), 17-2.(d)(4), 17-2.(e), and 17-2.(f) of Chapter 17 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 17-2. - Numbering property, buildings and fire gates; display of numbers.

(a) For purposes of sections 17-2 through 17-4, the following definitions shall apply:

(1) *Address*: A unique identification of a location which may consist of a street number, street direction, street name, street type, and unit, at a minimum, a number and a name is required.

(2) *Property number*: The numeric part of an address.

(3) *Site number*: The street number component, or any part thereof, of an address. This number may or may not be the same as the property number.

(4) *Building number*: The number, or any part thereof, assigned to a principal building or structure. Where there is more than one (1) principal building or structure on a property, each principal building or structure will be assigned either a building number or other site number.

(5) *Principal building or structure*: A structure such as an office building, apartment building, retail structure or other similar structure wherein the primary or major activity on the property takes place. The term as used in this section does not include accessory or incidental structures such as garages, storage sheds or similar structures. The division of Enhanced 911, Office of Addressing shall determine whether, for purposes of this section only, a structure constitutes a principal building or structure.

(6) *Private access easement*: The right of a land owner to ingress and egress to his property over any adjoining property of another for the purpose of accessing the public right-of-way.

(b) All properties within the urban county shall be assigned an address by the division of Enhanced 911, Office of Addressing for the purposes of taxation, public safety and provision of services.

(d) *Minimum criteria*. Unless otherwise provided herein, any site number that is required to be posted pursuant to sections 17-2 through 17-4 shall comply with the following minimum criteria or standards of visibility:

(2) Unless determined otherwise by the division of Enhanced 911, Office of Addressing, it shall be a minimum of four (4) inches in height, except for industrial or commercial buildings or structures from which such numbers are not readily visible from the street or named easement, which shall be a minimum of ten (10) inches in height, with a minimum width of one and three-quarter (1.75) inches, and which shall be affixed above or beside the main entrance of such industrial or commercial building or structure whenever possible;

(3) It shall be affixed to the structure and at least three (3) feet above ground level.

(4) It shall be affixed to the structure or displayed not more than four (4) feet from the street or named easement upon which the structure is located and addressed (i.e., on both sides of a single mailbox); however, postings will only be satisfactory if they clearly indicate the correct structure.

Notwithstanding the above, where more than one (1) principal building or structure is located upon a property and where the site number is clearly displayed at the street entrance to the property, each principal building or structure shall not be required to display the site number so long as each building or structure is clearly identified by a building number.

(e) The division of Enhanced 911, Office of Addressing shall be the only department of the urban county government authorized to assign or cause to be assigned, delete, or change a property number, site number, unit number, and/or a building number where appropriate. The division of Enhanced 911, Office of Addressing shall maintain a street index file containing the official list of valid street names. No other government entity, agency, department or division, other than division of Enhanced 911, Office of Addressing, is authorized to assign site, unit, property or building numbers or street names. All such actions are to be reviewed and approved by the addressing committee, which is comprised of members of the divisions of enhanced 911 and its addressing office, fire and emergency services, police, planning, and GIS; the Fayette County Property Valuation Administrator's Office, and the United States Post Office, as further provided in The Addressing Guide for Lexington-Fayette Urban County Government, which is attached hereto and incorporated herein by reference as additional guidance in numbering and addressing properties, and filed with the urban county council clerk as a part of the public records of this government. In addition, the commissioner of public safety is hereby empowered to prescribe, adopt, promulgate and enforce rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of sections 17-2 through 17-4, and which are not otherwise inconsistent with this section.

(f) No private access easement shall be named without the prior approval of the division of Enhanced 911, Office of Addressing. All private access easements that are named with the approval of the division of Enhanced 911, Office of Addressing shall have a regulation street sign placed at each intersection of the named easement and any other named easement or street. The regulation street sign shall be purchased and erected at the expense of the owner of the private access easement unless the street sign is located at the intersection of a private access easement and the public right-of-way.

Section 2 – That Sections 17-2.1(a), 17-2.1(d)(2), and 17-2.1(d)(6) of Chapter 17 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 17-2.1. - Addressing.

(a) *Street number.* All addresses must contain a street number. No street number may contain more than four (4) digits or less than two (2)

digits. Only whole numbers may be used in addresses. There shall be no non-sequencing of street numbers contained in addresses on either side of street. Street number ranges shall be based on the Lyman Uniform Street Numbering System. The properties on Main Street, its extensions, and all thoroughfares parallel therewith shall be numbered east and west from Limestone and the properties on Limestone, its extensions, and all thoroughfares parallel therewith shall be numbered north and south from Main Street and shall be so numbered that the even numbers shall be on the south and east sides of the street and the uneven numbers shall be on the north and west sides of the street.

(d) (2) An address shall not contain a duplication of the type of street within its name (e.g., James Street Street). Street names shall never include a “type” (e.g. Avenue of Winners Street).

(6) Incomplete yet separate streets shall maintain duplicate names until it is determined that their connection is not applicable. If no connections have been proposed within five (5) years, then the Addressing Committee will reassess the disconnected streets. Once the roadways are assessed as being unable to connect to on another, the addresses shall be changed to assign unique addresses for all affected segments.

Section 3 – That Section 17-3.(a) of Chapter 17 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 17-3. - Renumbering.

(a) Whenever, in the opinion of the Addressing Committee, it shall become necessary or advisable to readdress any or all properties and/or sites on a street, the division of Enhanced 911, Office of Addressing shall make a list of all properties and/or sites on such street and designate the address for all such properties or sites, and thereupon notify the owners, and occupants, if the owner be a nonresident thereof, to have the designated number properly displayed on such property or site. Once identified, all properties that are to be readdressed shall be presented to and approved the urban county council through resolutions.

Section 4 – That Section 17-4.(a), 17-4.(b)(1), 17-4.(b)(2), 17-4.(b)(5), 17-4.(b)(6), 17-4.(b)(7), 17-4.(c) and 17-4.(d) of Chapter 17 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 17-4. - Maintenance of number display; defacement; noncompliance, penalties.

(a) The division of Enhanced 911, Office of Addressing is authorized to require the owner of any business or residential structure within the urban county from which the address, or any part thereof, has been removed or damaged to cause the same to be replaced at the expense of the owners thereof. The division of Enhanced 911, Office of Addressing shall also have the power to require the owner of any business or residential structure within the urban county to affix an address and/or building, site and/or property numbers, or any part thereof, as required in sections 17-2 through 17-4. The commissioner of public safety and citation officers authorized by ordinance may issue notices of violations and citations to enforce sections 17-2 through 17-4 and subsection 6-8(k) of the Land Subdivision Regulations and such citations may be enforced as civil offenses pursuant to the procedure set forth in this section and section 17-4.1.

(b) *Violations.* The following shall constitute violations:

(1) The failure of any owner of a business or residential structure to affix an address and/or building, site and/or property numbers, or any part thereof, upon a structure or other device, within ten (10) business days of notification by the division of Enhanced 911, Office of Addressing;

(2) The failure of any owner of a private access easement to erect regulation street signs in accordance with this section within thirty (30) days from the date the division of Enhanced 911, Office of Addressing approves said request;

(5) Naming a private access easement without the prior approval of the division of Enhanced 911, Office of Addressing; or

(6) Placing or causing to be placed any sign bearing a name not approved by the division of Enhanced 911, Office of Addressing upon any private access easement.

(7) Once the appropriate building permit(s) is issued, the owner of the property is required to post the assigned numbers for the site on a temporary sign that is conspicuously posted and visible, until such time as the permanent numbers can be displayed in accordance with the requirements of this section, which is to be done prior to any final inspection for occupancy.

(c) *Criminal penalty.* Every person failing to perform the duties required of him by or to comply with the provisions of sections 17-2 through 17-4, or subsection 6-8(k) of the Land Subdivision Regulations, shall for every offense be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), and each day's continuance of any such violation shall be a separate offense.

(d) *Alternative civil enforcement.* Except as otherwise specified herein, the provisions of chapter 2B of the Code of Ordinances shall apply to all civil enforcement actions. As an alternative remedy to the criminal penalties contained in this section, any person who violates any provision of sections 17-2 through 17-4, or subsection 6-8(k) of the Land Subdivision Regulations, may be assessed civil fines of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), pursuant to the civil fine guidelines in section 17-4.1.

Section 5 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

PUBLISHED:

507-17_MMM/kt_X:\Cases\911\17-LE0001\LEG\00573731.DOCX