

**AN ORDINANCE TO PROVIDE FOR THE ASSIGNMENT OF NAMES TO STREETS AND ROAD IN COUNTY AND THE POSTING OF STREET SIGNS AND BUILDING NUMBERS**

WHEREAS, the establishment of an Enhanced 911 emergency telephone system in Berkeley County has been approved by the Berkeley County Commission to Become effective upon completion of all necessary components of the system; and

WHEREAS, the establishment of such system requires the assignment of names to all streets and roads in the county, the assignment of building numbers to all buildings having telephones and/or occupancies, and the erection of appropriate street signs at intersections; and

WHEREAS, a professional consultant experienced in comprehensive addressing has been employed to map street and roads in Berkeley County and to assign building numbers to buildings in Berkeley County,

NOW, THEREFORE, BE IT ORDAINED:

SECTION 1. The “Berkeley County Road Name Index” to be adopted and filed in the Office of the County of Berkeley shall be the official listing of names for streets and roads in Berkeley County and such streets and roads are hereby assigned the names listed therein. As used in the ordinance, the terms “street” and “road” shall have the same meaning and shall also include avenues, boulevards, highways, lanes, ways, and similar street types.

SECTION 2. The Director of 911, or her duly authorized agent, is hereby authorized to assign names to any public or private road or street in the County which provides access to three or more occupied buildings.

SECTION 3. The Director of 911, or her duly authorized agent, is hereby authorized to negotiate with residents along streets or roads bearing duplicate or confusingly similar names in the County and to change the names of such roads or streets to eliminate such duplication or confusing similarity.

SECTION 4. No street or road within the County shall be assigned a name on a subdivision plat or otherwise until such name is registered with Berkeley County Central Dispatch, approved, and added to the “Berkeley County Road Name Index”. Berkeley County Central Dispatch, or the duly authorized agent, shall have the authority to refuse registration of any name already in use, confusingly similar to a name already registered, deemed confusing for purposes of emergency response, or deemed inappropriate by said Administrator or by the County Commission.

SECTION 5. (a) No street or road name currently shown on a subdivision plat filed with the County or otherwise shall be implemented by a subdivision owner until such name has been registered with Berkeley County Central Dispatch, or the duly authorized agent,

approved and added to the "Berkeley County Road Name Index". Berkeley County Central Dispatch or the duly authorized agent shall have the right to refuse registration of any name already in use, confusingly similar to a name already registered, deemed confusing for purposes of emergency response, or deemed inappropriate by said Department or by the County Commission.

SECTION 5. (b) Following the completion of the address conversion project, there shall be a moratorium on changes in road and street names in the unincorporated parts of the county for a period of two (2) years.

Thereafter, a petition requesting a change in name, signed by eighty percent (80%) of the heads of households on the street or road whose name is proposed to be changed, shall be filed with the Director of 911. Such petition should not be filed until the Director has confirmed the availability of the proposed name but, not later than ninety (90) days following such confirmation.

Documentation showing the residence location of each signatory to the petition must accompany the petition at the time of filing.

A certified check in the amount of one hundred seventy five dollars (\$175.00) per sign, as designated by the Director of 911, shall accompany the petition for purposes of covering the costs to the County of any approved name change. Any additional costs not covered by such deposit shall be billed to the signatories to the petition on a pro rata basis. Any part of the deposit not spent to cover costs to the County shall be refunded to the signatories to the petition on a pro rata basis.

All costs to individuals or households in complying with the ordinance shall be borne by that individual or household.

Residents along the affected road or street shall be responsible for advising the United States Postal Service of such road or street name change.

SECTION 6. (a) All new street signs erected within Berkeley County shall be in conformance with the specifications of this section, unless a variance is granted by the West Virginia Department of Highways or the Berkeley County Commission. Street name signs shall be in accordance with the specifications approved by the Berkeley County Commission.

SECTION 6. (b) Signage which is damaged or destroyed shall be the responsibility of the individual(s) causing such damage or destruction, whether by negligence or other wise.

Any law enforcement officer or employee of any governmental agency investigating or having knowledge of any accident or incident resulting in damage or destruction of such sign shall advise the Director of 911 as to the identification of the person(s) responsible for such damage or destruction.

Any such person found to be responsible for damage or destruction of any road or street sign owned by the County shall pay to the Director of 911 all of the costs for such damage or destruction, including but, not limited to, costs for sign removal and replacement. Failure to pay for such damage or destruction shall result in legal action against such responsible party for all such costs, including but, not limited to, court costs and reasonable attorney fees.

SECTION 7. The Director of 911 or duly authorized agent is hereby authorized to direct the placement of street signs at intersections within the County. The initial costs of such signs and installation to be appropriated from E911 telephone fees as approved by the County Commission.

SECTION 8. The owner of any subdivision or other development shall erect or cause to be erected street signs in conformance with this ordinance at any and all intersections within such subdivision or development upon construction of any street on or after the effective date of this ordinance, unless, by vote of the County Commission, such responsibility is assumed by the County. Where any subdivision owner is currently required to erect street signs but has failed to do so, the future erection of street signs shall be in conformance with this ordinance.

SECTION 9. All properties or parcels of land within Berkeley County shall hereafter be identified by reference to a uniform numbering system, as shown on maps filed in the Office of the Director of 911. Said maps and the explanatory matter thereon may be amended, modified, or changed at the direction of the Director of 911, duly authorized agent, or by the County Commission.

SECTION 10. A house or building number shall be assigned to each dwelling or other building in the County. The combination of such numbers and the road or street name shall be the official address of such dwelling or building. Such location shall serve as the official mailing address for postal patrons receiving home or rural delivery.

SECTION 11. When each house or building has been assigned its respective address, the owner, occupant, or agent shall place or cause to be placed upon each house or building controlled by him the number or numbers assigned under the uniform numbering system. Such numbers shall be placed on existing buildings within sixty (60) days of notification of the assigned address. Such numbers shall be placed on new buildings prior to occupancy. The cost of posting the address shall be the responsibility of the property owner.

SECTION 12. Street address numbers for residences shall be in accordance with The BOCA National Property Maintenance Code, Section PM-304.3, Exterior Structure, Street Numbers. The numbers shall be in arabic numerals at least 3 inches in height, and of a durable and clearly visible material. The numbers shall be placed on, above, or at the side of the main entrance so the number is visible from the public right-of-way. Whenever a residence entrance is not visible from the public right-of-way, the number shall be placed along a driveway, or property entrance. Address numbers are to be a

contrasting color to the background on which they are mounted.

SECTION 13. Street address numbers for commercial and industrial structures shall follow BOCA PM 304.2 code regulations. The number shall be placed above or on the main entrance to the structure when possible. If such number is not visible from the public right-of-way, the number shall be placed along a driveway or on a sign visible from the same.

SECTION 14. Apartments, trailer parks, and similar complexes assigned a single building number shall display address numbers on each assigned structure following the BOCA PM 304.2 code. Numbers and/or letters for individual apartments or units within these complexes shall be displayed on, above, or to the side of the main doorway of each apartment or unit.

SECTION 15. Whenever any house, building, or structure shall be erected or located after the initial establishment of the uniform numbering system as provided herein, it shall be the duty of the property owners to procure the correct number or numbers for the said property and to affix said numbers to said building in accordance to this ordinance. An application for a building permit for a new building shall be considered an application for an address assignment. The building official shall coordinate with Berkeley County Central Dispatch for the assignment of addresses, and forward the assigned address to the applicant not later than sixty (60) days following issuance of said permit. The applicant shall be required to furnish such measurements in relation to other properties or be required to furnish such measurements in relation to intersections or other landmarks as may be deemed necessary for the assignment of a valid address.

SECTION 16. In applying the guidelines specified herein, the Director of 911 or her duly authorized agent shall have the authority to make minor adjustments and modifications to ensure a logical and efficient street address system.

SECTION 17. The provisions of this ordinance shall be applicable in all areas of Berkeley County outside the incorporated City of Martinsburg. The provisions of this ordinance shall be applicable within the City of Martinsburg and the Town of Hedgesville if the respective City and Town Councils adopt and endorse this ordinance by resolution.

SECTION 18. Whenever the Director of 911, or her duly authorized agent, has reason to believe there has been or there exists a violation of this ordinance, she shall give written notice of such violation to the person failing to comply, and order said person to take corrective measures within thirty (30) days from the date of notification. If such person fails to comply with the duly issued order, the Director of 911, or her agent, shall initiate necessary actions to terminate the violation through criminal or civil measures.

SECTION 19. During the initial project stage and prior to the completion of the project, any requests concerning road name changes and/or addressing complaints will first be directed to the Director of Berkeley County Central Dispatch within 30 days from the

time of road name or address assignment. If the initial contact does not satisfy the individual's concerns, he or she may appeal the Director's decision to the Berkeley County 9-1-1 Advisory Board. If a satisfactory decision cannot be reached, the appeal will be forwarded to the Berkeley County Commission for final disposition. Provided, however, that all such appeals must be filed no later than December 31, 1998, 5:00 p.m. The Commission may, at its discretion, hear such appeals as oral argument or may rule based upon the written appeal. All such appeals shall be decided on or before January 21st, 1999, 5:00 p.m.

SECTION 20. After implementation of the address conversion system, any and all concerns, problems, or complaints regarding the naming and numbering system throughout the County will be handled on an individual basis by the Director of Berkeley County Central Dispatch and the Berkeley County 9-1-1 Advisory Board by forwarding a recommendation for final approval to the Berkeley County Commission.

SECTION 21. This ordinance shall be effective immediately upon its adoption.

Adopted this 31st day of July, 1997.

THE BERKELEY COUNTY COMMISSION

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Amendments made & adopted to Section 19 on the 10th day of December, 1998.  
Amendments made & adopted on the 20th day of December, 2000.

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