

**CLARE COUNTY ORDINANCE #17
HOUSE NUMBERING**

PREAMBLE

An ordinance to provide for identification of addresses for the purpose of law enforcement, fire and other emergency services; to establish rules and regulations for the display of addresses on residential, commercial and industrial structures; to provide for enforcement of this ordinance; and penalties for its violation.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE COUNTY OF CLARE:

SECTION 1 – Enabling Clause

- 1.1 The County of Clare adopts this House Numbering Ordinance pursuant to the provisions of Act 156 or 1851, as amended: MCLA 46.11.
- 1.2 The purpose of this ordinance is to promote the general health, safety and welfare of the County of Clare by requiring the display of addresses on residential, commercial and industrial structures for police, fire, emergency and other related services.

SECTION II – Definitions

- 2.1 The following words and phrases when used in this ordinance shall have the meaning ascribed to them in this section unless the context clearly indicates a different meaning.
- 2.2 Words and phrases:
 - a. “Board” means the Clare County Board of Commissioners.
 - b. “Municipal civil infraction” means a civil infraction involving a violation of an ordinance. Municipal civil infraction includes, but is not limited to, a trailway municipal civil infraction. Municipal civil infraction does not include a violation described in subdivision (b) (i) to (vi) or (ix) or any act of omission that constitutes a crime under any of the following:
 - (i) Article 7 or section 17766a of the public health code, Act. No. 368 of the Public Acts of 1978, being sections 333.7101 to 333.7543 and 333.17766a of Michigan C Compiled Laws.
 - (ii) The Michigan penal code, Act No. 328 of the Public Acts of 1931, being sections 750.568 of the Michigan Compiled Laws.
 - (iii) Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 to the Michigan Compiled Laws.
 - (iv) The Michigan liquor control act, Act No. 8 of the Public Acts of the extra session of 1933, being sections 436.1 to 436.58 of the Michigan Compiled Laws.
 - (v) Part 801 (marine safety) of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being sections 324.80101 to 324.80199 of the Michigan Compiled Laws.
 - (vi) The aeronautics code of the State of Michigan, Act No. 327 of the Public Acts of 1945, being sections, 259.1 to 259.208 of the Michigan Compiled Laws.
 - (vii) Part 821 (snowmobiles) of Act No. 451 of the Public Acts of 1994, being sections 324.82101 to 324.82159 of the Michigan Compiled Laws.
 - (viii) Part 811 (off-road recreation vehicles) of Act No.451 of the Public Acts of 1994, being sections 324.82101 to 324.82159 of the Michigan Compiled Laws.

- (ix) The railroad code of 1993, Act No. 354 of the Public Acts of 1993, being sections 462.101 to 462.451 of the Michigan Compiled Laws.
 - (x) Any law of this state under which the act or omission is punishable by imprisonment for more than 90 days.
- c. "Authorized local official" means a police officer or other personnel of a county, city, village, township or regional parks and recreation commission created under section 2 of Act No. 265 of the Public Acts of 1961, being section 46.352 of the Michigan Compiled Laws, legally authorized to issue municipal civil infraction citations.
- d. "Citation" means a written complaint or notice to appear in court upon which an authorized local official records the occurrence or existence of 1 or more municipal civil infractions by the person cited.
- e. "Municipal civil infraction determination" means a determination that a defendant is responsible for a municipal civil infraction by 1 of the following:
- (i) An admission of responsibility for the municipal civil infraction.
 - (ii) An admission of responsibility for the municipal civil infraction "with explanation".
 - (iii) A preponderance of the evidence at an informal hearing or formal hearing on the question under section 8719 or 8721¹, respectively.
 - (iv) A default judgement, for failing to appear as directed by a citation or other notice at a scheduled appearance under section 8715 (3) (b) or (4),² at an informal hearing under section 8619, or at a formal hearing under section 8721.
- f. "House Number" means the street address assigned to a primary structure
- g. "Primary Structure" means, including but not limited to, a residential building, mobile home park, commercial building, industrial building, office building and public building.

SECTION III – House Number Display

- 3.1 Each primary structure shall display a house number. A house number shall not be displayed containing numbers less than 3" in height. It shall be visible from the roadway named in the address, and all of those numbers shall be in Arabic numerals (e.g.. block print).
- 3.2 When the primary structure is more than ninety (90) feet back from the road or the view of the structure is blocked by trees, shrubs or another structure or other obstruction, the house number shall be on a sign attached to a tree, fence, post, or mailbox within ten (10) feet of the driveway and not more than twenty (20) feet from the road with the following exception: Mailboxes that are grouped shall not be used for displaying house numbers as defined in these rules, as grouped mailboxes do not provide identification of the location of the residences.

SECTION IV – Enforcement

- 4.1 This ordinance shall be enforced by the Clare County Sheriff's Department, and/or a Clare County Ordinance Enforcement Officer if such position is created by action of the Clare County Board of Commissioners.

SECTION V – Penalties

- 5.1 A person who violates the provisions of this ordinance is responsible for a municipal civil infraction and subject to a warning letter for the first violation; a fine of \$50.00 plus costs for the second violation; \$150.00 plus costs for the third violation and \$200.00 plus costs for any subsequent violation.
- 5.2 Violation(s) of this ordinance shall be processed in compliance with MCL600.8701 et.seq.
- 5.3 If a person provides proof that the violation was corrected within 30 days of the date of the issuance of the civil infraction citation, the fine and costs may be waived.

SECTION VI – General Provisions

- 6.1 If any part or parts of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Board declares that it would have passed this ordinance irrespective of the fact that any one part or parts may be declared invalid or unconstitutional.
- 6.2 Words and phrases used in the present tense include the future, words and phrases in the masculine gender include the feminine; the singular number includes the plural and the plural includes the singular.

SECTION VII – Effective Date

- 7.1 This ordinance shall take effect 120 days after the approval of the Clare County Board of Commissioners.

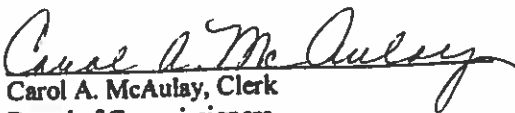

 Bert Kortés, Chairperson
 Board of Commissioners

State of Michigan }
 } - ss
 County of Clare }

I, Carol A. McAulay, Clerk of said County of Clare and Clerk of the Circuit Court thereof, the same being a Court of Record, do hereby certify the approval of the foregoing House Numbering Ordinance, Clare County Ordinance #17, was adopted by the Clare County Board of Commissioners in regular session on August 17, 1999, as appears of record in my office.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court at Harrison, this 17th day of August, 1999.




 Carol A. McAulay, Clerk
 Board of Commissioners