

Combination of Local Law 8 of 1999 and Local law 8 of 2000.

A local law ESTABLISHING A SIGN LAW FOR E-9-1-1 PURPOSES

BE IT ENACTED by the County Legislature of the County of Dutchess as follows:

SECTION 1. LEGISLATIVE INTENT

The Dutchess County Legislature has previously determined that it is in the best interest of the citizens of the County of Dutchess to have uniform signs for E-911 purposes so that all structures in the County can be easily identified by emergency vehicles. In addition thereto, the Dutchess County Legislature strongly feels that each citizen has the responsibility of affixing his/her E-911 number once that number has been received. There must be cooperation among the citizens, the government, and the emergency service providers in order for the E-911 system to operate as designed. (Local law 8 of 2000)

SECTION 2. NUMBERING OF HOUSES / STRUCTURES

Within 60 days after receipt of written notification of address or new address assignment, the owner or occupant shall affix/display the assigned address number as described herein:

A. The property owner of record has the responsibility to affix the E-911 number as described in Section 2 (B) and (C). After the E-911 number has been affixed, the property owner of record shall remove the previous number that had been assigned to the property. The costs involved in affixing the E-911 number and removing the previous number shall be borne by the property owner of record. (Local law 8 of 2000)

B. **SIZE AND LOCATION OF ROAD ADDRESS NUMBERS:** Road address numbers for residences shall not be less than 3 inches in height and shall be made of a durable and clearly visible material. In addition, the material should be reflective, if possible. Whenever a building is more than 50 feet from the road or when the entrance of the building is not visible from the road, the numbers shall be placed on a rigid post along a walk, driveway, or other location so that the address number is visible from the road, upon approach from any direction. Address numbers shall be of a contrasting color of the background on which they are mounted. A

mailbox at the end of the walk or driveway with numbers on both sides of it can be used in lieu of the rigid post. A second set of numbers shall be placed on a structure located more than fifty feet from the road. (Local Law 8 of 1999)

C. **DISPLAY OF ADDRESS NUMBERS:** All commercial and industrial structures shall display address numbers of not less than 4 inches in height as follows:

1. When possible, the numbers shall be displayed over the main entrance to the structure. (Local Law 8 of 1999)

2. Apartments, townhouses, shopping centers or other similar groups, where only one number is assigned, shall display such number at the main entranceway. Numbers for individual units or establishments within the complex shall be displayed on, above, or to the side of the main doorway of each unit, apartment, suite or establishment. (Local Law 8 of 1999)

SECTION 3. ROAD NAME SIGN STANDARDS

A. **LOCATION OF ROAD NAME SIGNS:** A street sign of standard design, as approved by the Town, Village, City or County shall be erected on metal poles or such other material as approved by the Town, Village, City or County at each intersection of public roads within the Town, Village, City or County. At least one road name sign displaying the name of each road shall be erected and maintained. Whenever possible, road name signs shall be located in the right hand corner of the intersection on the approach side from a major thoroughfare. When this is not possible, road name signs shall be located in the next most suitable corner as determined by the Town, Village, City or County. Signs shall be visible from both directions and shall be properly maintained. (Local Law 8 of 1999)

B. **ERECTION AND FEE FOR PUBLIC ROADS:** At the request of a developer and upon receipt of a fee sufficient to cover the cost of materials and labor, as determined by the Town, Village, or City; the Town, Village or City shall fabricate and erect road name signs at the intersection of new roads. The fee shall be paid at the time the final plat is submitted. The Town, Village, City may specify that all street name signs be erected at the commencement of construction of said road. However, should the developer request that road name signs be erected prior to the new street being accepted by the Town, Village or City, the developer shall be responsible for their maintenance until such time as the streets are accepted by the Town, Village or City. Prior to the Town, Village or City accepting a new road, the municipality's engineer or designated agent shall make an inspection to determine that all road name signs are in a state of good maintenance. Should any road name sign be missing or in need or repair, the developer shall pay the full cost for replacement and/or thereof. It is the

responsibility of the Town, Village or City to erect and maintain each signpost. (Local Law 8 of 1999)

C. **ERECTION AND FEE FOR PRIVATE ROADS:** Erection and maintenance of road signs shall be required of the owner or majority of owners of any private road. At the request of the owner or majority of owners of a private road, and upon receipt of a fee sufficient to cover the cost of materials and labor as determined by the Town, Village or City, the Town, Village or City may fabricate, erect, and thereafter maintain a road name sign at the intersection of the private road and any public street. The erection of the road name signs shall be done according to National Emergency Number Association (NENA) standards. (Local Law 8 of 1999)

SECTION 4. PROCEDURE ON NON-COMPLIANCE

A. Any owner of a structure within the County of Dutchess who refuses or neglects to properly number said structure as outlined in Section 2 or pay the fee for a private road sign outlined in Section 3C shall be deemed on violation of this local law. Said owner shall be notified of the violation of this local law. (Local law 8 of 2000)

B. **SERVICE OF NOTICE:** The notice provided for in Subsection 4 (a) may be given by personal service or by mailing a copy, certified mail, return receipt requested, thereof to the last known address of the owner. (Local law 8 of 2000)

C. **NUMBERING OF STRUCTURE BY COUNTY:** In the event of the neglect or refusal of any owner, after notice, to cause said structure to be properly numbered, the Dutchess County Emergency Response Coordinator may cause said structure to be properly numbered. (Local law 8 of 2000)

D. Any City, Town, or Village in Dutchess County may authorize the enforcement of the provisions of this local law by designating by appointment of an enforcement official for the service of notices, issuance of summonses, prosecution of violations, and collection of fines herein. All fines shall be paid to the financial officer of the municipality prosecuting the violation and retained by the municipality for general purposes. (Local law 8 of 2000)

E. Upon discovery of a violation of this local law, the designated official shall give notice of such violation by affixing a copy to the entrance of the main structure on the premises and by mailing a copy to the last known address of the purported owner thereof. The owner shall have thirty (30) days within which to comply. Failure to comply thirty (30) days after allows the designated official to issue a summons to the last known owner of the premises, directing that person as a respondent to show cause before the designated official at a stated time and place why said person should not be declared in violation of this law and fined in accordance

herewith. (Local law 8 of 2000)

F. The Respondent, at said time and place shall present any evidence in defense of his or her position or may show particular circumstances or hardship for which they may be entitled to additional time to comply, or due to unusual hardship, may be entitled to a variance in the application of this law. (Local law 8 of 2000)

G. The designated official, shall, after considering all the facts, make a determination forthwith, holding: (1) The owner is in violation and imposing a fine in accordance with Section 5 herein; or (2) Extending the owner additional time within which to comply; or (3) Granting a variance from the strict application of this Law; or (4) Dismiss the summons on the basis of the defense submitted. (Local law 8 of 2000)

SECTION 5. PENALTIES FOR OFFENSES

Any violation of this law shall constitute an offense punishable by a fine not exceeding \$50 for a first offense, not exceeding \$100 for a second offense, and not exceeding \$150 for any subsequent offense. (Local law 8 of 2000)

SECTION 6. APPEALS

A. There is hereby created an E-911 Appeals Panel, consisting of three members, who shall be members of the E-911 Oversight Board and who shall be designated by the Chairperson of said Board. The term of each panel member shall be for the balance of their term on the Oversight Board. (Local law 8 of 2000)

B. Any owner may challenge the City, Town and Village designated official's determination by filing an appeal with the E-911 Appeals Panel (Appeals Panel) within thirty (30) days of receipt of said determination. Said appeal shall be in writing and shall be limited to the issues before the said City, Town and Village designated official. The Appeals Panel shall permit the owner the opportunity to appear before it at a public meeting and to present information orally and in writing which supports the position of said party. (Local law 8 of 2000)

C. The Appeals Panel shall, after due deliberation, and within sixty (60) days of receipt of the appeal, make a determination (1) Affirming the determination of the City, Town, and Village designated official, or (2) Modifying the determination of the City, Town, and Village designated official by granting a variance to said owner; or (3) Reversing the determination of the City, Town, and Village designated official. (Local law 8 of 2000)

SECTION 7. ENFORCEMENT

Any fine levied through the process in Section 6 entitled, "Appeals" shall be paid within thirty (30) days of receipt of notice from the City, Town, and Village designated official or within 30 days of receipt of the final determination of the Appeals Panel on an appeal. Upon the failure of an owner/applicant to pay the fine within the time provided, the City, Town, and Village financial officer may commence a suit in small claims part of the City, Town, or Village Court having jurisdiction. Where a City, Town, or Village has enacted a local law as provided in Section 4, the designated officer of such municipality, or such other officer as may be authorized, may notify the governing board of said municipality of said delinquencies for levy with the next tax bill." (Local law 8 of 2000)

SECTION 8. APPLICABILITY

This local law shall apply to all of Dutchess County. (Local Law 8 of 1999)

SECTION 9. VALIDITY AND SEVERABILITY

If any section or part of this local law is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section of this law. (Local Law 8 of 1999)

SECTION 10. LOCAL JURISDICTION

Any City, Town, or Village may enact a local law adopting the provisions of this local law, except that said law may authorize an individual other than the designated official to enforce it. In addition, said local law may provide for the levy of unpaid fines on the next tax bill in the same manner as unpaid water bills. (Local law 8 of 2000)

SECTION 11. EFFECTIVE DATE

This local law shall take effect immediately upon full compliance with all the requisite

statutes and laws applicable to its adoption and promulgation. (Local law 8 of 2000)