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**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND CHAPTER 158, STREETS AND PARKING, OF THE MUNICIPAL CODE OF THE TOWN OF DEWEY BEACH, ADDING NEW SECTION 158-15 RELATING TO THE INSTALLATION OF MAILBOXES, AND CHAPTER 1-16, DEFINITIONS TO DEFINE BOTH STANDARD AND CLUSTER-STYLE MAILBOX ASSEMBLIES**

**NOW THEREFORE, BE IT ENACTED AND ORDAINED,** by the Commissioners of the Town of Dewey Beach, Sussex County, Delaware, in session met, as follows:

**Section 1.** Chapter 1-16, Definitions, of the Municipal Code of the Town of Dewey Beach, Delaware, 2005, as amended, is hereby further amended by the addition of the following terms:

**MAILBOX ASSEMBLY, CLUSTER-STYLE:** A style whereby mailboxes, meeting the specifications of the United States Postal Service (USPS), are assembled and grouped together on a single area of land so they are regarded as one unit. The use of cluster-style mailboxes must be reviewed and approved by both the town and the USPS.

**MAILBOX ASSEMBLY, STANDARD:** An assembly consisting of materials that meet the specifications of the United States Postal Service (USPS), which is located near the edge of the roadway or curbside of a street and is intended or used for the collection of mail and is to be served by a mail carrier from a vehicle. Standard mailbox assembly includes decorative/architectural style boxes and posts that meet USPS specifications. Multiple standard mailbox assembly installations must meet the same criteria as a single standard mailbox assembly installation.

**Section 2.** Chapter 158, Streets and Parking, of the Municipal Code of the Town of Dewey Beach, Delaware, 2005, as amended, is hereby further amended by adding new Section 158-15, "Mailboxes," as follows:

- A. Placement of mailbox assemblies.
  - 1) No new or replacement mailbox assembly will be allowed to exist on the Town's rights-of-way if it interferes with the safety of the traveling public, or the function, maintenance, or operation of the roadway or utility systems, or that interferes with pedestrian traffic. A mailbox installation that does not conform to the provisions of this chapter is an unauthorized encroachment under 2 Del. Admin. Code § 7.4.
  - 2) The location and construction of mailbox assemblies shall adhere to the rules and requirements of the USPS, as well as to town requirements. In the event that there is a conflict between USPS and town requirements, the more stringent requirements shall apply.
  - 3) Standard mailbox assemblies must be placed no more than 36" from the corner of the driveway entrance.
- B. Permit.

46 1) A building permit must be obtained from the town before a new mailbox assembly is  
47 installed within town rights-of-way. If the mailbox assembly is being installed in association  
48 with a new residence or business that has a valid building permit, the mailbox assembly is  
49 subject to inspection along with the building construction.

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51 C. Relocation and replacement.  
52 1) The town reserves the right to remove, relocate or cause to be relocated and/or replace any  
53 existing mailbox assembly located within a public right-of-way that interferes with the safety  
54 of the traveling public or the function, maintenance, or operation of the roadway or utility  
55 systems, or that interferes with pedestrian traffic.  
56 2) Any type of mailbox assembly located in the town right-of-way is subject to damage or  
57 destruction at any time. The town shall not assume any liability for damaged or destroyed  
58 mailbox assemblies of any type installed within town rights-of-way.

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60 D. Removal of nonconforming or unsafe mailbox assemblies.  
61 1) Any new mailbox assembly that is found to violate the provisions of these requirements shall  
62 be removed by the property owner upon notification by the town. The town will provide the  
63 property owner with a written notice of violation, after which time, based on an assessment  
64 of hazard to the public, the property owner will be granted not less than 24 hours nor more  
65 than 30 calendar days to remove the mailbox assembly. Upon expiration of the specified  
66 removal period, the mailbox assembly will be removed by the town at the property owner's  
67 expense.  
68 2) Unless the placement or location of an existing mailbox assembly that does not meet these  
69 requirements interferes with the safety of the traveling public or the function, maintenance,  
70 or operation of the roadway or utility systems or interferes with pedestrian traffic as  
71 detailed within this section, the mailbox assembly will be permitted to remain.

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73 E. Any person violating the provisions of this section shall upon conviction be subject to the  
74 penalties provided in Chapter 1, § 1-13.

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76 **Section 3.** Severability. If any provision of this Ordinance shall be deemed or held to be invalid or  
77 unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not affect any  
78 other provision of this Ordinance which may be given effect without such invalid or unenforceable  
79 provision, and to this end, the provisions of this Ordinance are hereby declared to be severable.

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81 **Section 4.** This Ordinance shall take effect immediately upon its approval by the Town Council. Adopted  
82 by at least a majority vote of all Commissioners of the Town of Dewey Beach on [ENTER DATE].

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84 SYNOPSIS

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86 This Act defines standard and cluster-style mailbox assemblies, and provides permitting, installation  
87 and placement regulations of mailbox assemblies.  
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93 William Stevens, Mayor  
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Bill Zolper, Town Manager