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ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 1-16, DEFINITIONS, AND TO ADD A NEW CHAPTER 120, MAILBOXES, TO DEFINE STANDARD AND CLUSTER-STYLE MAILBOX ASSEMBLIES AND OUTLINE SPECIFICATIONS FOR PLACEMENT AND INSTALLATION OF 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. The Municipal Code of the Town of Dewey Beach, Delaware, 2005, as amended, is hereby further amended by adding new Chapter 120, "Mailboxes," to read as follows:

§120 - 1 Placement of mailbox assemblies.

- A. 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.
- B. 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.
- C. Standard mailbox assemblies must be placed no more than 36" from the corner of the driveway entrance.

46 §120 - 2 Permit.

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

51
52 §120 - 3 Relocation and replacement.

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

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61 §120 - 4 Removal of nonconforming or unsafe mailbox assemblies.

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

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75 §120 – 5 Violations and penalties.

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

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

83
84 **Section 4.** This Ordinance shall take effect immediately upon its approval by the Town Council. Adopted
85 by at least a majority vote of all Commissioners of the Town of Dewey Beach on December 20, 2024.

86
87 SYNOPSIS

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89 This Act defines standard and cluster-style mailbox assemblies, and provides permitting, installation
90 and placement regulations of mailbox assemblies.

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94 William Stevens, Mayor

Bill Zolper, Town Manager