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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 ADOPT 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. Amend Chapter 1, Section 16, Definitions, of the Municipal Code of the Town of Dewey Beach, Delaware, 2005, by adding thereto the following defined 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. Amend the Municipal Code of the Town of Dewey Beach, Delaware, 2005, as amended by adding thereto new chapter to read as follows:

Chapter 120, MAILBOXES

§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 regulations, rules and requirements of the United State Postal Service, as

45 amended, as well as to town requirements. As of the enactment of this Chapter,
46 USPS requirements include but are not limited to the following:

- 47
- 48 1. The mailbox shall be positioned 41" to 45" from the road surface to the
49 bottom of the mailbox or point of mail entry.
- 50
- 51 2. The mailbox 6" to 8" back from the curb.
- 52
- 53 3. If there is no raised curb, contact the local postmaster for guidance.
- 54
- 55 4. Put the house or apartment number on the mailbox.
- 56
- 57 5. On new rural and contract delivery service routes, all mailboxes must be
58 on the right-hand side of the road in the direction of the route line of
59 travel.
- 60

61 C. Standard mailbox assemblies must be placed no more than 36" from the corner of
62 the driveway entrance.

63 **§120-2 Permit.**

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65
66 A building permit must be obtained from the town before a new mailbox assembly is
67 installed within town rights-of-way. If the mailbox assembly is being installed in
68 association with a new residence or business that has a valid building permit, the mailbox
69 assembly is subject to inspection along with the building construction.

70 **§120-3 Relocation and replacement.**

- 71
- 72
- 73 A. The town reserves the right to remove, relocate or cause to be relocated and/or
74 replace any existing mailbox assembly located within a public right-of-way that
75 interferes with the safety of the traveling public or the function, maintenance, or
76 operation of the roadway or utility systems, or that interferes with pedestrian
77 traffic.
- 78
- 79 B. Any type of mailbox assembly located in the town right-of-way is subject to
80 damage or destruction at any time. The town shall not assume any liability for
81 damaged or destroyed mailbox assemblies of any type installed within town
82 rights-of-way.
- 83

84 **§120-4 Removal of nonconforming or unsafe mailbox assemblies.**

- 85
- 86 A. Any new mailbox assembly that is found to violate the provisions of these
87 requirements shall be removed by the property owner upon notification by the
88 town. The town will provide the property owner with a written notice of violation,
89 after which time, based on an assessment of hazard to the public, the property
90 owner will be granted not less than 24 hours nor more than 30 calendar days to

91 remove the mailbox assembly. Upon expiration of the specified removal period,
92 the mailbox assembly will be removed by the town at the property owner's
93 expense.

94
95 B. Unless the placement or location of an existing mailbox assembly that does not
96 meet these requirements interferes with the safety of the traveling public or the
97 function, maintenance, or operation of the roadway or utility systems or interferes
98 with pedestrian traffic as detailed within this section, the mailbox assembly will
99 be permitted to remain.

100
101
102 **§120-5 Violations and penalties.**

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104 Any person violating the provisions of this section shall upon conviction be subject to the
105 penalties provided in Chapter 1, §1-13 as amended. [Consider withholding of permits?
106 Consider authorizing the Town Manager to grant waivers from town requirements in
107 instances owing to unique characteristics of adjacent properties strict compliance presents
108 exceptional practical difficulties for the owner.]

109
110 **Section 3.** Severability. If any provision of this Ordinance shall be deemed or held to be invalid
111 or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not
112 affect any other provision of this Ordinance which may be given effect without such invalid or
113 unenforceable provision, and to this end, the provisions of this Ordinance are hereby declared to
114 be severable.

115
116 **Section 4.** Effective immediately upon enactment by Town Council, all new and replacement
117 mailbox assemblies shall comply with the standard set forth herein. All existing mailbox
118 assemblies shall be brought into compliance on or before [ENTER DATE].

119
120 SYNOPSIS

121
122 This Act defines standard and cluster-style mailbox assemblies, and adopts permitting,
123 installation and placement regulations of mailbox assemblies.

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125
126 _____
127 William Stevens, Mayor

Bill Zolper, Town Manager