



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 permitted to exist on the Town’s rights-of-way if it interferes with the safety of the traveling public, **public parking**, 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 amended

45 as well as to town requirements. As of the enactment of this Chapter, USPS  
46 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
- 49 the bottom of the mailbox or point of mail entry.
- 50 2. The mailbox shall be positioned 6" to 8" back from the curb.
- 51 3. Put the house or apartment number on the mailbox.
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53 C. ~~Standard-m~~ Mailbox assemblies must be placed no more than 36" from the corner  
54 of the driveway entrance.

55 D. On streets without a raised curb, the mailbox shall be positioned 8" to 12" from  
56 the edge of the street pavement.

### 57 §120-2 Permit.

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59 A building permit must be obtained from the town before a new mailbox assembly is  
60 installed within town rights-of-way. If the mailbox assembly is being installed in  
61 association with a new residence or business that has a valid building permit, the mailbox  
62 assembly is subject to inspection along with the building construction.  
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### 65 §120-3 Relocation and replacement.

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- 67 A. The town reserves the right to remove, relocate or cause to be relocated and/or
- 68 replace any existing mailbox assembly located within a public right-of-way that
- 69 interferes with the safety of the traveling public, **public parking**, or the function,
- 70 maintenance, or operation of the roadway or utility systems, or that interferes with
- 71 pedestrian traffic.
- 72
- 73 B. Any type of mailbox assembly located in the town right-of-way is subject to
- 74 damage or destruction at any time. The town shall not assume any liability for
- 75 damaged or destroyed mailbox assemblies of any type installed within town
- 76 rights-of-way.
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### 78 §120-4 Removal of nonconforming or unsafe mailbox assemblies.

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- 80 A. Any mailbox assembly that is found to violate the provisions of these
- 81 requirements shall be removed by the property owner upon notification by the
- 82 town. The town will provide the property owner with a written notice of violation,
- 83 after which time, based on an assessment of hazard to the public the property
- 84 owner will be granted not less than 24 hours nor more than 60 calendar days to
- 85 remove the mailbox assembly. Upon expiration of the specified removal period,
- 86 the mailbox assembly will be removed by the town at the property owner's
- 87 expense.
- 88
- 89 B. Unless the placement or location of an existing mailbox assembly that does not
- 90 meet these requirements interferes with the safety of the traveling public, **public**

91 parking, or the function, maintenance, or operation of the roadway or utility  
92 systems or interferes with pedestrian traffic as detailed within this section, the  
93 mailbox assembly will be permitted to remain.

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97 **§120-5 Violations and penalties.**

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99 Any person violating the provisions of this section shall upon conviction be subject to the  
100 penalties provided in Chapter 1, §1-13 as amended.” [Consider withholding permits.  
101 And authorizing the Town Manager Building Official to grant waivers from town  
102 requirements in instances owing to unique characteristics of adjacent properties strict  
103 compliance presents exceptional practical difficulties for the owner.]

104  
105 **Section 3.** Severability. If any provision of this Ordinance shall be deemed or held to be invalid  
106 or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not  
107 affect any other provision of this Ordinance which may be given effect without such invalid or  
108 unenforceable provision, and to this end, the provisions of this Ordinance are hereby declared to  
109 be severable.

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

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115 SYNOPSIS

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117 This Act defines standard and cluster-style mailbox assemblies, and adopts permitting,  
118 installation and placement regulations of mailbox assemblies.

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121 \_\_\_\_\_  
122 William Stevens, Mayor

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122 Bill Zolper, Town Manager

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