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

- 46 1. The mailbox shall be positioned 41" to 45" from the road surface to the bottom
47 of the mailbox or point of mail entry.
48 2. The mailbox shall be positioned 6" to 8" back from the curb.
49 3. If there is no raised curb, contact the local postmaster for guidance.
50
51 C. Mailbox assemblies must be placed no more than 36" from the corner of the driveway
52 entrance.
53
54 D. On streets without a raised curb, the mailbox shall be positioned 8" to 12" from the
55 edge of the street pavement.
56

57 **§120-2 Permit.**
58

59 A building permit must be obtained from the town before a new mailbox assembly is installed
60 within town rights-of-way. If the mailbox assembly is being installed in association with a new
61 residence or business that has a valid building permit, the mailbox assembly is subject to
62 inspection along with the building construction.
63

64 **§120-3 Relocation and replacement.**
65

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

75 **§120-4 Removal of nonconforming or unsafe mailbox assemblies.**
76

- 77 A. Any new mailbox assembly that is found to violate the provisions of these requirements
78 shall be removed by the property owner upon notification by the town. The town will
79 provide the property owner with a written notice of violation, after which time, based
80 on an assessment of hazard to the public, the property owner will be granted not less
81 than 24 hours nor more than 60 calendar days to remove the mailbox assembly. Upon
82 expiration of the specified removal period, the mailbox assembly will be removed by the
83 town at the property owner's expense.
84
85 B. Unless the placement or location of an existing mailbox assembly that does not meet
86 these requirements interferes with the safety of the traveling public, public parking, or
87 the function, maintenance, or operation of the roadway or utility systems or interferes
88 with pedestrian traffic as detailed within this section, the mailbox assembly will be
89 permitted to remain.
90
91
92

93 **§120-5 Violations and penalties.**

94
95 Any person violating the provisions of this section shall upon conviction be subject to the
96 penalties provided in Chapter 1, §1-13 as amended. [Consider withholding of permits? Consider
97 authorizing the Town Manager to grant waivers from town requirements in instances owing to
98 unique characteristics of adjacent properties strict compliance presents exceptional practical
99 difficulties for the owner.]

100
101 **Section 3.** Severability. If any provision of this Ordinance shall be deemed or held to be invalid or
102 unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not affect any
103 other provision of this Ordinance which may be given effect without such invalid or unenforceable
104 provision, and to this end, the provisions of this Ordinance are hereby declared to be severable.

105
106 **Section 4.** Effective immediately upon enactment by Town Council, all new and replacement mailbox
107 assemblies shall comply with the standard set forth herein. All existing mailbox assemblies shall be
108 brought into compliance on or before [ENTER DATE].

109
110 SYNOPSIS

111
112 This Act defines standard and cluster-style mailbox assemblies, and adopts permitting, installation and
113 placement regulations of mailbox assemblies.

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115
116 _____
117 William Stevens, Mayor

Bill Zolper, Town Manager