

**ORDINANCE 2018-04**

**AN ORDINANCE OF THE BOROUGH OF CHESTER, MORRIS COUNTY, STATE OF NEW JERSEY, AMENDING CHAPTER 205 (STREETS AND SIDEWALKS) OF THE CODE OF THE BOROUGH OF CHESTER TO INCLUDE A NEW ARTICLE VII (MAILBOX DAMAGE REIMBURSEMENT”)**

**WHEREAS**, municipalities are empowered to make, amend, repeal, and enforce its ordinances pursuant to Statute (N.J.S.A. 40:48-1, et seq.); and

**WHEREAS**, municipalities are required by Statute to follow specific procedures for the passage of ordinances (N.J.S.A. 40:49-2 et seq.); and

**WHEREAS**, the Mayor and Borough Council have determined that it is in the best interest of Borough residents to establish a reimbursement process for mailbox damage caused by Borough vehicles during snow and ice removal operations; and

**NOW, THEREFORE, BE IT ORDAINED**, by the Council of the Borough of Chester, County of Morris, State of New Jersey that the Borough Code is hereby amended as follows:

**SECTION 1:**

Chapter 205 (Streets and Sidewalks) is hereby amended to include Article VII – Mailbox Damage Reimbursement) as follows:

**§ 205-42.**

- A. Purpose and Policy.** The purpose of Article VII is to set forth a procedure whereby residents may apply for and receive reimbursement for a mailbox and/or support thereof damaged by Borough vehicles or employees during snow and/or ice removal operations. Nothing in this Article shall be construed to entitle any resident to reimbursement for damage caused by the weight or placement of thrown snow, nor shall this Article be construed to entitle any resident to reimbursement prior to an investigation by the Superintendent of the Department of Public Works that the claimed damage is eligible for reimbursement pursuant hereto.
- B. Reimbursement.** In the event that Borough vehicles and/or Borough employees, in the process of clearing snow and/or ice from a Borough controlled road, destroy or damage any mailbox and/or the support therefor, the Borough shall pay no more than a total of Fifty Dollars (\$50) for the replacement of a mailbox and support combined, and not for each component. Unless it is determined by the Superintendent of the Department of Public Works that the claimed damage is eligible for reimbursement pursuant to the requirements of this Article, the Borough reserves the right not to make any repairs or payment or to make a payment at a lower amount.

C. **Criteria for reimbursement.** The reimbursement provision of this Article shall only apply to those residents who satisfy the following criteria as shall be determined by the Borough's Superintendent of Public Works:

1. The mailbox was securely fastened to a sturdy post that is sufficiently anchored in the ground to resist the impact of plowed snow.
2. The mailbox was approved by the United States Postal Service.
3. The front of the mailbox was set back a minimum of eight (8) inches from the curb line or, if no curb, was set back a minimum of eight (8) inches from the traveled portion of the roadway.
4. The mailbox was located at least 40 inches above the roadway elevation.

**SECTION 2.** If any Chapter, Article, Section or Subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction such decisions shall not affect the remaining portions of this Ordinance.

**SECTION 3:** All ordinances or rules or regulations of the Borough of Chester, which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 4:** This ordinance shall take effect upon passage and publication according to law.

Dated: \_\_\_\_\_, 2018

\_\_\_\_\_  
Janet Hoven, Mayor

Attest:

\_\_\_\_\_  
Denean Probasco, Municipal Clerk

**LEGAL NOTICE OF PENDING ORDINANCE**

Notice is hereby given that the Ordinance published herewith was introduced and passed upon first reading at a meeting of the Mayor and Council of the Borough of Chester, in the County of Morris,

New Jersey, held on the 3rd day of April 2018. It will be further considered for final passage after public hearing thereon, at a meeting of said Mayor and Council to be held in the Chester Borough Hall, 50 North Road, in said Borough, on May 1<sup>st</sup>, 2018 at 7:00 p.m., and during the week prior and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's office in said Borough Hall building to members of the general public who shall request the same.

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Denean Probasco, Municipal Clerk