

Township of Montague

Ordinance 2022-01

AN ORDINANCE AMENDING CHAPTER 59, “STREETS” BY ADDING ARTICLE II, “INCIDENTAL DAMAGE CAUSED BY TOWNSHIP OPERATIONS,” SECTION 59-7, “REIMBURSEMENT FOR MAILBOX DAMAGE,” OF THE CODE OF THE TOWNSHIP OF MONTAGUE

WHEREAS, the Township wishes to amend Chapter 59 (Streets), by adding Article II, “Incidental Damage Caused by Township Operations”, Section 59-7 “Reimbursement for Mailbox Damage” to establish uniform procedures to reimburse residents for damage to mailboxes due to snow-removal operations.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Township Committee of the Township of Montague, County of Sussex State of New Jersey, as follows:

SECTION 1. Chapter 59 is hereby amended by adding the following Article and Section:

ARTICLE II – INCIDENTAL DAMAGE CAUSED BY TOWNSHIP OPERATIONS.

Section 59-7 – Reimbursement for Mailbox Damage.

59-7A Intent; policy.

(1) It is the intent of this section to establish uniform procedures to reimburse residents for damage to mailboxes due to the snow-removal operations of the Township’s Department of Public Works (‘DPW’). The primary objective of these snow removal operations (‘primary objective’) is to ensure that the Township’s roadways are as clear as possible of snow and/or ice. It is also understood that most mailboxes are located within the public right-of-way, and therefore while fulfilling the primary objective, mailboxes may be unintentionally and unavoidably damaged. This policy assumes there is a shared responsibility between the Township and the homeowner when mailboxes located in the public right-of-way are damaged during snow-removal operations.

(2) While there is no legal requirement that the Township do so, it is the policy of the Township of Montague to reimburse residents up to \$20.00 (twenty-dollars) for eligible damage to mailboxes caused by direct plow contact on the part of the DPW (‘Mailbox Damage’). 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 and determination by the Foreman of the DPW that the claimed damage is eligible for reimbursement pursuant to this article.

59-7B Eligibility

The reimbursement provisions of this article shall only apply to those residents who satisfy the following criteria:

- (1) The mailbox at issue had, prior to the Mailbox Damage, been securely anchored in the ground to resist the impact of plowed snow.
- (2) The damaged mailbox and mailbox post had, prior to the Mailbox Damage, met the requirements of the United States Postal Service, as well as all other applicable regulations in regard to construction and location. Mailboxes that do not meet the requirements of the United States Postal Service and/or any other applicable regulation are not eligible for reimbursement.
- (3) The mailbox and mailbox post had been in good condition & repair prior to the Mailbox Damage.
- (4) The Mailbox Damage must have been caused by direct contact with Township plows or snow-removal equipment. The Township will not provide reimbursement for damage to mailboxes or posts caused solely by snow thrown from Township plows or snow-removal equipment.
- (5) The affected resident must notify the Township within 30 days of the date the Mailbox Damage occurred, unless the resident was on an extended stay away from the residence at issue, in which case that Township must be notified of the damage within seven days of the resident's return ('Time Frame'). Damage reported outside of this time frame will not be eligible for reimbursement.

59-7C Procedure; investigation.

- (1) Within the Time Frame described above, a resident making a claim for reimbursement pursuant to this article shall contact the DPW to file the claim.
- (2) After submission of the claim, the Foreman of the DPW ('Foreman') shall investigate the Mailbox Damage to determine whether the Mailbox Damage was caused by the plow blade or vehicle itself, rather than thrown snow.
- (3) If it is determined the Mailbox Damage was caused by the plow blade or vehicle, the resident will be reimbursed in an amount not to exceed \$20.00 (twenty-dollars) for a new mailbox and/or post. If it is determined that the Mailbox Damage was not caused by the plow blade or vehicle, no reimbursement will be given. All actual repairs and/or replacements shall be the responsibility of the resident.

(4) If possible, repairs of Mailbox Damage shall be made by the DPW before reimbursement will be paid by the Township to repair the damage.

(5) If the homeowner wishes to purchase their own mailbox, a request for reimbursement shall be made in writing to the Township Clerk.


SECTION 2. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.


SECTION 3. If any section, paragraph, subdivision, clause of provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to that section, paragraph subdivision, clause or provision so adjudged, and remainder of this ordinance shall be deemed to be valid and effective.

SECTION 4. This ordinance shall take effect immediately after final passage, approval and publication as require by law.

Approved: February 22, 2022

ATTEST:


Eileen DeFabiis, RMC
Municipal Clerk


Richard Innella, Mayor

RECORD OF COMMITTEE VOTES				
<u>COMMITTEE MEMBER</u>	<u>AYES</u>	<u>NAYES</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
JOSEPH KRUMPFER	X			
JAMES LEDONNE	X			
FRED MERUSI	X			
GEORGE ZITONE	X			
MAYOR RICHARD INNELLA	X			