

## ORDINANCE 2014-07

### AN ORDINANCE OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 71 ENTITLED "VEHICLES AND TRAFFIC" ARTICLE IV

**BE IT ORDAINED**, by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey to add to Article IV entitled "Snow Emergencies" a 71.22A entitled "Mailbox Damage Due to Snow Plowing"

#### ORDINANCE – MAILBOX DAMAGE DUE TO SNOW PLOWING

- A. It is the intent of this article to establish uniform procedures to reimburse residents for damage to mailboxes due to snow removal operations. The Township of Barnegat's primary obligation is to ensure that its roadways are as clear as possible of snow and 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 of Barnegat and the homeowner when mailboxes located in the public right-of-way are damaged during snow removal operations.
- B. While there is no legal requirement that the Township do so, it is the policy of the Township of Barnegat to reimburse residents up to \$75 for eligible damage to mailboxes caused by direct plow contact on the part of the Township's Department of Public Works. 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 Superintendent of Public Works that the claimed damage is eligible for reimbursement pursuant to this article.

#### 1. Eligibility

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

- a. The mailbox is securely fastened to a sturdy post which is sufficiently anchored in the ground to resist the impact of plowed snow.
- b. The damaged mailbox and/or post must meet the requirements of the United States Postal Service as well as all other requirements in regard to construction and location. Mailboxes that do not meet the requirements of the United States Postal Service and/or any other applicable regulations are not eligible for reimbursement.

- c. The 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.
  - d. The resident must notify the Township within seven (7) days of the date the damage occurred, unless the resident was out of town, in which case the Township must be notified of the damage within seven (7) days of the resident's return. Damage reported outside of this time frame will not be eligible for reimbursement.
2. Claim Procedure
- a. Within the time period above, a resident making a claim for reimbursement pursuant to this article shall contact the Department of Public Works to file a claim.
  - b. After submission of the claim the Superintendent of Public Works shall investigate the alleged damage to determine if the damage was caused by the plow blade or vehicle itself, rather than thrown snow. A written response on the findings of the investigation will be mailed to the resident.
  - c. If it is determined that the mailbox was damaged by the plow blade or vehicle the resident will be reimbursed, upon submission of a receipt showing the cost of the mailbox and/or post in an amount not to exceed \$75 for a new mailbox and/or post. If it is determined that the 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.

### **CERTIFICATION**

I, Sharon L. Auer, Acting Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify by my hand and seal that the foregoing ordinance, namely Ordinance 2014-07 entitled "An Ordinance Establishing Certain Salaries of Certain Officers and Employees of the Township of Barnegat in the County of Ocean in the State of New Jersey and repealing any and all Other Ordinances Inconsistent Herewith" was introduced and passed on first reading at a meeting held on the 18<sup>th</sup> day of February, 2014 and finally adopted by the Township Committee of said Township after public hearing at their regular meeting held on the 10<sup>th</sup> day of March, 2014 at the Municipal Complex, 900 Wrest Bay Avenue, Barnegat, New Jersey.

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Sharon L. Auer  
Acting Municipal Clerk

## NOTICE

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at a regular meeting of the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey on the 18<sup>th</sup> day of February, 2014 and will be considered for final passage at a regular meeting to be held in the Municipal Complex, 900 West Bay Avenue, Barnegat, New Jersey on the 10<sup>th</sup> day of March, 2014 at 6:30 PM at which time and place any person desiring to be heard will be given an opportunity to be so heard.