

TOWNSHIP OF WASHINGTON
COUNTY OF WARREN
STATE OF NEW JERSEY

ORDINANCE # 10-12

AN ORDINANCE TO CREATE A NEW CHAPTER OF THE TOWNSHIP CODE
REGARDING PLACEMENT OF MAILBOXES, BASKETBALL EQUIPMENT AND YARD
DAMAGE BY MUNICIPAL EQUIPMENT DURING STORM OPERATIONS ON
TOWNSHIP-OWNED RIGHTS-OF-WAY

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Washington, County of Warren, New Jersey, as follows:

Section 1. The intent of this Ordinance is to require that all mailboxes placed upon Township-owned rights-of-way be placed in such a manner that allows for efficient snow and/or ice removal from and maintenance of the rights-of-way. It is the further intent of this Ordinance to require that all basketball equipment, including, but not limited to, posts, backboards and rims, are located a safe distance from Township-owned roads and rights-of-way so as to allow for the efficient snow and/or ice removal from and maintenance of the rights-of-way.

Section 2. Any mailbox placed upon a Township-owned right-of-way shall be installed at a height of 41 to 45 inches from the road surface to inside floor of the mailbox or point of mail entry (locked designs) and shall be set back at least 8 inches from front face of curb or road edge to the mailbox door.

Section 3. For any mailbox located in a Township-owned right-of-way, the Township of Washington will make repairs to or replace a mailboxes and/or post damaged due to snow and/or ice removal and/or maintenance operations only under the following circumstances:

- A. Physical damage is caused by actual contact with Township-owned and operated equipment, which damage and contact can be proven and documented by the owner;
- B. The mailbox and/or post is of standard design and placed in conformance with this Ordinance, and
- C. The existing installation, mailbox, and mailbox post were in good condition and repair prior to the alleged event causing damage.

Nothing in this Section or in this Ordinance shall be construed in any way to waive any or all defenses available to the Township under Title 59 of the New Jersey Statutes.

Section 4. The Township shall not be liable and shall not repair or replace mailboxes or posts located in Township rights-of-way where the Township determines that:

- A. The mailbox was not of standard design and/or not placed in conformance with this Ordinance; or
- B. The mailbox, post, and installation were not in good condition and repair; or
- C. The mailbox and/or post were damaged due to plowed snow and/or ice.

Section 5. In the event that actual physical contact with Township-owned equipment damages a mailbox installed in accordance with Ordinance, the Township will install a new, green-treated post and/or standard black mailbox. If the property owner desires a non-standard mailbox, the Township will reimburse the property owner up to \$50 towards replacement costs. If any damage exceeds \$50, the property owner shall be responsible for any costs above the \$50 approved reimbursement by the Township for materials only; no reimbursement for labor shall be given.

Section 6. The Township shall have no obligation to ensure that during snow and/or ice removal operations, snow and/or ice is plowed in such a manner as to permit access to any mailbox. It shall be the obligation of the owner of such mailbox to remove any necessary snow and/or ice to permit postal service access to the mailbox.

Section 7. In no event shall the Township of Washington be responsible for damage to a mailbox when such damage is caused by snow or ice thrown during snow and/or ice removal operations.

Section 8. All basketball equipment, including, but not limited to, posts, backboards and rims, shall be located at least 10 feet from the edge of a Township-owned roadway. In no event shall any basketball equipment be located in a Township-owned right of way. A property owner shall be responsible for any damage incurred to Township equipment due to the failure to locate any basketball equipment in accordance with this ordinance.

Section 9. Property owners who do not identify the edge of the roadway with a marking device (Example: metal posts with a reflector on the top, wooden stakes with reflective paint on the top or other device made to delineate edge of pavement placed at regular intervals along the edge of roadway that will be visible to the snowplow operator.) This device should be a minimum of 36" tall and be set back from the edge of pavement in such a way as to not obstruct the removal of snow from the street or to obstruct traffic in any way. Property owners who DO NOT identify the edge of the roadway with a marking device the Township of Washington will not be responsible for any damage to these properties. Property owners who have properly marked the edge of the roadway as mentioned above the Department of Public Works within a reasonable amount of time following the end of a snow event will pick up any snowplow damaged yard material that remains. In the spring the Department of Public Works will restore the area damaged by placing new topsoil and reseeding the affected area.

Section 10. This Ordinance shall be effective after adoption by the Township Council and publication and/or posting as provided by law.

Section 11. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

Section 12. If any article, section, subsection, sentence, clause or phrase of this Ordinance is for any reason declared to be unconstitutional or invalid by any court of competent jurisdiction, such declaration shall not affect the remaining portions of this Ordinance.

Section 13. This Ordinance shall take effect upon notice, publication and adoption as required by law.

NOTICE

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at the regular meeting of the Township Committee of the Township of Washington, County of Warren, State of New Jersey held in the Municipal Building on the 19th of October, 2010, and the same came up for final passage at the regular meeting of the Township Committee held on the 15th of November, 2010, at which time, after persons interested were given the opportunity to be heard concerning said Ordinance, the same was passed and will be in full force and effect in the Township of Washington according to law.

Mary Ann O'Neil, RMC/CMC/MMC
Township Clerk