

BOROUGH OF WOODCLIFF LAKE

Bergen County, New Jersey

Ordinance No. 21-17

AN ORDINANCE TO AMEND CHAPTER 326 ENTITLED "STREETS AND SIDEWALKS" OF THE BOROUGH CODE OF THE BOROUGH OF WOODCLIFF LAKE, STATE OF NEW JERSEY, TO INCLUDE SECTION 326-32 ENTITLED "MAILBOX DAMAGE DUE TO SNOWPLOWING"

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF WOODCLIFF LAKE IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY, AS FOLLOWS:

WHEREAS, Chapter 326, of the Code of the Borough of Woodcliff Lake sets forth all regulations regarding Streets and Sidewalks within the Borough of Woodcliff Lake; and,

BE IT ORDAINED, by the Mayor and Council of the Borough of Woodcliff Lake, County of Bergen, and State of New Jersey that those portions of the aforesaid set forth below are hereby amended as follows and that those portions of the Ordinance not set forth below shall remain unchanged.

Chapter 326. Streets and Sidewalks

Art. V entitled Use and Maintenance of Sidewalks, Curbs and Gutters.

326-32 Mailbox Damage Due to Snow Plowing.

A. Intent; Rationale. It is the intent of this article to establish uniform procedures to reimburse residents for damage to mailboxes due to snow removal operations. The Borough of Woodcliff Lake'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 Borough of Woodcliff Lake and the homeowner when mailboxes located in the public right-of-way are damaged during snow removal operations.

B. Resident Responsibility. Snowplow operators make every effort to remove snow as close to the curblines as practical and to provide access to mailboxes for the Postal Service. However, it is not possible to provide perfect conditions and minimize the damage to mailboxes with the size and type of equipment the Borough operates. Therefore, the final cleaning adjacent to mailboxes is the responsibility of each resident.

C. Landscaping; Hardscape. Property owners should assume all risk of damage for landscaping/hardscape, including nursery and inanimate materials that are installed or encroach on the Borough right-of-way. The Borough assumes no responsibility for damage incurred to these nonpermitted elements as a result of snow plowing and ice control activities with the exception that lawns that are scraped or gouged by Borough equipment will be repaired by top

dressing and seeding the following spring. In addition, inanimate materials such as boulders, timbers, etc. are a hazard and can cause damage to plow equipment.

D. Reimbursement Policy. While there is no legal requirement, it is the policy of the Borough of Woodcliff Lake to reimburse residents up to \$150.00 for eligible mailbox damage caused by direct plow contact or thrown snow coming off the plow on the part of the Borough's Department of Public Works or Borough private contractors. Residents seeking reimbursement greater than \$150.00 for mailbox damage caused by Borough operators may file a tort claim under Title 59 of the New Jersey Statutes Annotated. Nothing in this article shall be construed to entitle any resident to reimbursement prior to an investigation and determination by the Director of Public Works or designee that the claimed damage is eligible for reimbursement pursuant to this section.

E. Eligibility; Procedure; Investigation. For the purpose of this article, boxes used for receipt of United States mail and placed outside of residences and established for such purposes shall be referred to herein as "mailboxes". All mailboxes must be installed in accord with the United States Postal Service Mailbox Guidelines.

(i) Eligibility; mailbox damage claim. The reimbursement provisions shall only apply to those homeowners 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 Mailbox Guidelines, 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 or thrown snow from Borough Department of Public Works or Borough private contractor plows or snow removal equipment.

(d) The homeowner must notify the Borough within fourteen (14) days of the date the damage occurred. Damage reported outside of this time frame will not be eligible for reimbursement.

(f) The homeowner must sign a general release discharging the Borough from all debts, claims, demands, damages, actions or further tort claims under Title 59.

F. Claim Procedure.

(i) Within the time period above, a homeowner making a claim for reimbursement shall contact the Department of Public Works and file a mailbox damage claim.

(ii) the mailbox damage claim shall be accompanied with the following:

(a) Name, address, phone number and email address of claimant.

(b) Date and time of damage.

(c) Exact location of damage.

- (d) Explanation of what happened/description of damage.
- (e) Photographs of damage.
- (f) Itemized receipt for the cost of the new mailbox and/or post.

(iii) After submission of the claim, the Director of Public Works or designee shall investigate the alleged damage to determine if the damage was caused by the plow blade, vehicle and/or thrown snow coming off the plow. A written response on the findings of the investigation will be mailed to the resident.

(iv) If it is determined that the mailbox was damaged by the plow blade, vehicle and/or thrown snow coming off the plow, the homeowner will be reimbursed for the cost of the mailbox and/or post in an amount not to exceed \$150 upon the submission of an itemized receipt of the cost of the new mailbox and/or post. If it is determined that the damage was not caused by the plow blade vehicle and/or thrown snow coming off the plow, no reimbursement will be given. All actual repairs and/or replacements shall be the responsibility of the homeowner.

Severability All provisions of this Ordinance are severable. If for any reason, any provision of this Ordinance is held to be invalid, the validity of the remainder of the Ordinance shall not be affected.

Effective Date. This Ordinance shall become effective upon final approval and publication, pursuant to law, and upon completion of all outstanding cases.