

**BOROUGH OF PARAMUS
COUNTY OF BERGEN
STATE OF NEW JERSEY**

ORDINANCE No. 2025-04

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 383, SECTION 26 OF
THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF PARAMUS ENTITLED
"STREETS, SIDEWALKS, PUBLIC RIGHTS-OF-WAY AND SANITATION" TO INCLUDE
SECTION IV ENTITLED "MAILBOX DAMAGE DUE TO SNOW PLOWING"**

WHEREAS, it has come to the attention of the Mayor and Council that resident's mailboxes are inadvertently damaged due to snow plowing; and

Whereas, the Mayor and Council have determined that it would be in the best interest of the citizens of the borough of Paramus to amend the Ordinance to include a remedy to the citizens.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Paramus as follows:

SECTION 1:

A. Chapter 383, Section 26 - Mailbox Damage Due to Snow Plowing.

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 Paramus' 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 Paramus and the homeowner when mailboxes located in the public right-of-way are damaged during snow removal operations.

Resident Responsibility. Snow plow operators make every effort to remove snow as close to the curb line 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.

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.

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Reimbursement policy. While there is no legal requirement, it is the policy of the Borough of Paramus to reimburse residents up to \$100 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 \$100 for mailbox damage caused by Borough operators may file a tort claim under Title 59 of 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.

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 accordance with the United States Postal Service Mailbox Guidelines.

- a. Eligibility; mailbox damage claim. The reimbursement provisions shall only apply to those homeowners who satisfy the following criteria:
 - i. The mailbox is securely fastened to a sturdy post which is sufficiently anchored in the ground to resist the impact of plowed snow.
 - ii. 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 regards 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.
 - iii. 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.
 - iv. The homeowner must notify the Borough within 90 days of the date the damage occurred. Damage reported outside this time frame will not be eligible for reimbursement.
 - v. The homeowner must sign a general release discharging the Borough from all debts, claims, demands, damages, actions or further tort claims under Title 59.
- b. 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.

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- ii. The mailbox damage claim shall be accompanied with the following:
 1. Name, address, phone number and email address of claimant.
 2. Date and time of damage.
 3. Exact location of damage.
 4. Explanation of what happened/description of damage.
 5. Photographs of damage.
 6. 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 \$100 upon the submission of an itemized receipt for 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.

BE IT FURTHER ORDAINED that, if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED that, all ordinances or parts of ordinances inconsistent herewith are hereby repealed to; and

BE IT FURTHER ORDAINED that, if any parts, sections, provisions, or the total of any of the above provisions are held to be invalid or unenforceable in any court, the findings or judgments of which court are applicable to the State of New Jersey, the balance and remainder of such provisions shall remain in full force and effect as an Ordinance of the Borough of Paramus; and

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BE IT FURTHER ORDAINED that this Ordinance shall become effective immediately after adoption and publication according to law.

Attest:



Annemarie Krusznis, RMC
Borough Clerk

Approved:



Christopher DiPiazza
Mayor

Introduction: February 18, 2025
Final: March 4, 2025