

ORDINANCE NO. 12 - 17

HENRY COUNTY BOARD OF COMMISSIONERS

**ORDINANCE TO AMEND ARTICLE IV. MAILBOX CONSTRUCTION SECTION 3-16-50
THROUGH 3-16-54**

WHEREAS, Henry County staff has recently received several inquiries concerning our current mailbox regulations; and

WHEREAS, staff has researched and reviewed the regulations from other jurisdictions and agencies; and

WHEREAS, it is the intent of this ordinance to promote and enhance the safety and well-being of those traveling in and throughout Henry County; and,

WHEREAS, this ordinance shall take effect and be in force from and after the date of its adoption.

NOW, THEREFORE BE IT RESOLVED that the Henry County Board of Commissioners hereby strikes the existing *Article IV. Mailbox Construction, Sections 3-16-50 through Section 3-16-54* and replaces it in its entirety as follows:

Sec. 3-16-50. – Title and Effective Date.

This article shall be known as the Henry County Mailbox Ordinance. This ordinance shall be effective November 6, 2012.

Sec. 3-16-51. - Definitions.

The following definition shall apply in the interpretation and enforcement of this article, unless otherwise specifically stated:

(1) *Mailbox* shall mean any free-standing or detached structure, container, or receptacle for the delivery of United States Postal Service mail.

(2) *Masonry* shall mean brick, stone, concrete, and all other substances or materials having like properties of weight or immovability.

(3) *Non-Conforming Mailbox* shall mean any mailbox which was constructed in accordance with County Code at the time of construction, prior to November 6, 2012, however, no longer meets the requirements of the current County Code

(4) *Illegal Mailbox* shall mean any mailbox built in violation of County Code at the time of construction.

Sec. 3-16-52. - Exemptions.

- (1) Section 3-16-54 shall not apply to mailboxes located on Henry County roadways with a speed limit of twenty-five (25) miles per hour or less.
- (2) Section 3-16-54 shall not apply to existing Non-Conforming Mailboxes, as defined in Section 3-16-51.

Sec. 3-16-53. - Location.

Mailboxes shall be located so as to comply with the rules and regulations of the United States Postmaster General. On roadways without a curb, mailboxes shall be set back eight (8) feet from the edge of the roadway to the face of the mailbox so as to allow the mail carrier to pull the postal delivery vehicle completely off the travel lanes of the roadway to deliver the mail. Where shoulder width does not allow for such a distance, the mailbox shall be set back a minimum of four (4) feet from the edge of the existing roadway. If due to topographic constraints, the property owner is unable to meet this requirement, the property owner shall coordinate with the Henry County Department of Transportation, and obtain prior written approval on the appropriate location of the mailbox. Under no circumstances shall the location of the mailbox interfere with the safe use of a roadway by the traveling public. Any mailbox which fails to conform to the location requirements as provided herein shall be unlawful and deemed a public nuisance.

Sec. 3-16-54. - Construction and composition of mailboxes.

- (a) It shall be unlawful to construct a mailbox which fails to meet the construction specifications enumerated in subsection (b).
- (b) The use of massive supports that, when struck, could damage vehicles and cause serious injury to vehicle occupants, and in general, interferes with the safety of the traveling public, are prohibited. In order to safeguard the health and welfare of the traveling public, mailboxes shall be constructed as follows:
 - 1) The support structure or post of the mailbox shall not be constructed with masonry material or of any material which will not readily yield upon impact with a vehicle.
 - 2) The encasement or housing for the mailbox itself shall not be made of a masonry material or of any other material that will not readily yield upon impact with a vehicle.
 - 3) All wooden posts shall have a maximum width of four (4) inches by four (4) inches or, if round; the post shall have no greater than a diameter of four (4) inches. If a metal post is used to support the mailbox, such posts shall be no larger than two (2) inches in diameter and are to be hollow.

- 4) Any mailbox which utilizes a support structure of brick, stone, or masonry, which is located on a street with a speed limit of greater than twenty-five (25) miles per hour, shall be considered “non-conforming”.
- 5) All “non-conforming” mailboxes shall be constructed with a mailbox as specified in this section, when they become damaged, destroyed, replaced or relocated.
- 6) Non-Conforming mailboxes which become damaged or are required to be relocated by Henry County as a result of routine maintenance, or as a result of Henry County road projects, will only be replaced by Henry County with a mailbox as specified in this section.
- 7) Illegal mailboxes shall be required to be removed within thirty (30) days from the adoption of this ordinance.

(c)

Any violation of any provision of this article shall be punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment in the Henry County jail for not more than sixty (60) days, or both.

NOW, THEREFORE BE IT FURTHER RESOLVED, that all ordinances and part of ordinances in conflict with the above are hereby repealed.

NOW, THEREFORE BE IT FURTHER RESOLVED, that this Ordinance shall take effect and be in force beginning the date of adoption of this Ordinance.

Be is so resolved this _____ day of _____, 2012

HENRY COUNTY BOARD OF COMMISSIONERS

Elizabeth “BJ” Mathis, Chairman

ATTEST:

Shay Mathis, County Clerk

