



CITY OF AURORA, ILLINOIS

ORDINANCE NO. 019-076
DATE OF PASSAGE November 12, 2019

An Ordinance amending Chapter 42, Section 22, of the City of Aurora Code of Ordinances Entitled "Mailboxes."

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, it is in the best interest of the City, staff, and residents of Aurora to update Chapter 42, Section 22 of the City of Aurora Code of Ordinances:

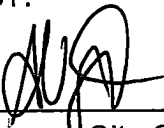
NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois, as follows: that Chapter 42, Section 22, of the Aurora Code of Ordinances hereby be amended as reflected in the attached Exhibit A.

ORDINANCE NO. 019-076
DATE OF PASSAGE November 12, 2019

PASSED AND APPROVED ON November 12, 2019

AYES 11 NAYS 7 NOT VOTING 7 ABSENT 1

ATTEST:



City Clerk



Mayor

19-0928

RECOMMENDATION

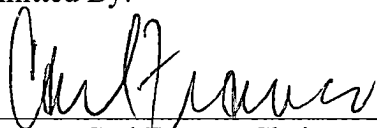
TO: THE COMMITTEE OF THE WHOLE

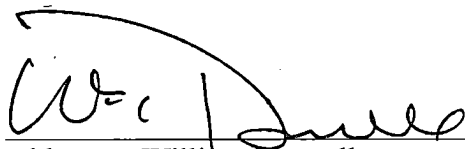
FROM: THE RULES, ADMINISTRATION AND PROCEDURES COMMITTEE

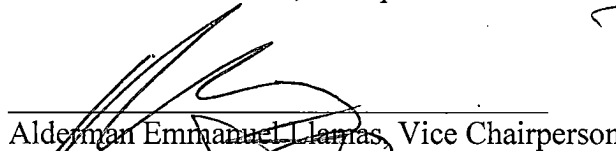
The Rules, Administration and Procedures Committee at the regular scheduled meeting on **Tuesday, October 15, 2019** recommended **APPROVAL** of An Ordinance amending Chapter 42, Section 22, of the City of Aurora Code of Ordinances Entitled "Mailboxes."

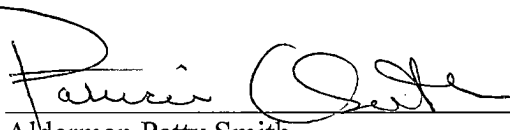
VOTE: 5-0


Submitted By:


Alderman Carl Franco, Chairperson


Alderman William Donnell


Alderman Emmanuel Llamas, Vice Chairperson


Alderman Patty Smith


Alderman Edward Bugg

Dated this 15th day of October, 2019

1 Sec. 42-22. - Mailboxes.

2 (a) In general. Any person may install and maintain in the
3 public parkway or public right-of-way adjacent to any
4 street, a curbside mailbox for the receipt of mail from
5 the United States Postal Service (USPS) consistent with
6 this section and all applicable regulations promulgated
7 by the USPS.

8 (b) Conforming mailboxes. As used in this section, a
9 conforming mailbox is a mailbox installed and maintained
10 in accordance with the USPS regulations. Conforming
11 mailboxes and their support structures shall be in good
12 repair and not rotted nor infested.

13 (c) Non-conforming mailboxes. As used in this section, a non-
14 conforming mailbox is any mailbox that does not comply
15 with the standards set forth in paragraph (b) or
16 mailboxes and mailbox support structures composed of
17 brick, block, stone or concrete masonry columns, wagon
18 wheels, steel pipes in excess of the previously defined
19 two inch diameter 0.144" thickness and lumber posts in
20 excess of four (4) inches by four (4) inches (4" x 4").
21 Non-conforming mailboxes are installed and maintained at
22 the sole risk of their owner. Except as may be authorized
23 by the rules and procedures set forth in paragraph (b),
24 the city will not replace or repair, nor reimburse for
25 the repair or replacement of a non-conforming mailbox.

26 (d) Claims for damage. The city engineer and corporation
27 counsel are directed and authorized to establish rules
28 and procedures to provide for an expedited review and
29 reimbursement of claims made against the city alleged to
30 arise from damage to conforming mailboxes caused by the
31 direct physical contact of a motor vehicle operated by
32 the city or its contractor or an appurtenance of said
33 motor vehicle. Such rules and procedures shall include
34 the establishment of reasonable time periods for the
35 submittal of claims, appropriate requirements for the
36 investigation and/or substantiation of claims, and a
37 maximum amount of per-claim reimbursement not less than
38 seventy-five (\$75) dollars, which shall be annually
39 reviewed. Such rules and procedures may, but are not
40 required to, provide for reimbursement of claims
41 involving non-conforming mailboxes in extraordinary
42 situations or involving damage not caused by direct
43 contact with a motor vehicle or motor vehicle
44 appurtenance.

1 (e) Nothing in this section shall be deemed to supersede the
2 provisions of section 42-8 of this article.

3 ~~-(a) For purposes of this section, boxes used for receipt of~~
4 ~~United States mail and placed outside of residences and~~
5 ~~establishments for such purpose shall be referred to herein~~
6 ~~as mailboxes.~~

7 ~~-(b) Personnel of the public works department and its divisions~~
8 ~~shall notify any property owner upon whose or adjacent to~~
9 ~~whose property is found a mailbox which:~~

10 ~~-(1) Fails to meet the published standards of the United~~
11 ~~States Postal Service for installation instructions (P.S.~~
12 ~~Form 4056) as well as Illinois Department of~~
13 ~~Transportation standards along state highways; or~~

14 ~~-(2) Is located so that the front edge of the mailbox when~~
15 ~~closed extends closer than nine (9) inches from the~~
16 ~~backside of the curb, or where no curbing exists, extends~~
17 ~~closer than eighteen (18) inches from the near edge of the~~
18 ~~public street pavement.~~

19 ~~-(c) Failure of such notified owner to relocate the mailbox as~~
20 ~~provided in this section shall render such owner ineligible~~
21 ~~to receive any appropriate reparations under subsection (d)~~
22 ~~hereof.~~

23 ~~-(d) In the event of municipal snowplowing along the streets of~~
24 ~~the city which snowplowing results in direct contact damage~~
25 ~~to a mailbox thereupon, reparation in an amount of said~~
26 ~~damage, but not to exceed fifty dollars (\$50.00) per~~
27 ~~separately standing mailbox shall be provided to the~~
28 ~~applicable property owner, except as provided in subsection~~
29 ~~(e) hereof.~~

30 ~~-(e) Property owners desiring that the parkway or other off-~~
31 ~~street or street fringe area immediately in front of and~~
32 ~~accessing any mailbox be kept free and clear of snow or~~
33 ~~diminished thereof shall be authorized to clear such area~~
34 ~~under their own responsibility, and the city shall not be~~
35 ~~responsible therefor.~~

36 ~~-(f) Nothing in this section shall be deemed to supersede the~~
37 ~~provisions of section 42-8 of this article.~~

City of Aurora Mailbox Damage Claims Policy

The City of Aurora ("City"), through the Street Maintenance Division of its Public Works Department, is responsible for maintaining approximately 2,100 lane miles of public roadways. These maintenance responsibilities include the removal of snow from the roadways for deposit onto aprons and other rights-of-way owned by the City and adjacent to its roadways. In many places throughout the City, homeowners maintain private mailboxes on these public rights-of-way that are susceptible to damage caused by the movement of snow. Put simply, the public aprons exist, in part, for snow storage and properly installed and maintained mailboxes are designed to withstand the force of snow being piled against them.

It is the City's policy to reimburse the owners of mailboxes damaged by direct physical contact from a City or City-contracted snowplow when the mailboxes were located and constructed in accordance with the provisions of Section 42-22 of the City Code of the City of Aurora. In general, these provisions describe how far the mailbox must be from the roadway and the materials from which a mailbox may be constructed:

1. The bottom of the box or crossbar should be 40 inches above the top back edge of the curb.
2. No point of the mailbox or sub-frame should be closer than 8 inches behind the back of the curb.
3. Support structures for mailboxes should be constructed of break-away material, either 4" x 4" lumber or 2" diameter, thin wall steel pipe with a wall thickness less than 0.155". The support structure should not be buried any more than 24" into the ground. Any other mailbox support structure is not acceptable.

The City will **not** reimburse the owners for the cost associated with the replacement of ornamental or decorative mailboxes, including those constructed of brick, even if a local homeowners association requires such mailboxes.


A resident who believes he or she is eligible for reimbursement under this policy must, within sixty (60) days of the snow event or date of damage submit a claim to the Customer Service Department that includes

- The mailbox owner's name and address;
- The date the damage occurred;
- A picture of the damaged mailbox and surrounding area; and
- A copy of a receipt or receipts reflecting the purchase of a new mailbox, post, or materials used to repair a damaged mailbox or post.

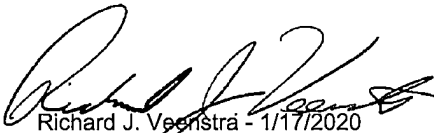
Upon receipt of a completed claim, Customer Service shall forward the claim to the Superintendent of the Street Maintenance Division ("Superintendent"), in the order received. The Superintendent or his or her designee shall evaluate all claims to determine their eligibility for reimbursement. The Superintendent is authorized to approve reimbursements pursuant to this policy in amounts not to exceed \$75. The Superintendent is authorized to approve reimbursements in amounts not to exceed \$75 in situations where based on the totality of circumstances, it is in the public interest to

reimburse the owner of whose mailbox may have been damaged as a result of the City's snow removal operations, even though the requirements of this policy have not been satisfied. Further the Corporation Counsel may elect to settle claims for mailbox damage in any manner approved by the City Council.

Policy drafted and adopted by/on:



City Engineer (date) 12-4-19
Kenneth Schroth



Richard J. Veerstra - 1/17/2020
Corporation Counsel (date)