

RESOLUTION NO. 98-756

**RESOLUTION ESTABLISHING MAILBOX POLICY FOR THE
COUNTY OF ELKHART, INDIANA**

WHEREAS Indiana Code Sections 36-1-3-1 et. seq. permit any county in the State of Indiana to exercise any power or perform any function necessary to the public interest in the context of its county or internal affairs, which is not prohibited by the Constitution of the United States or of the State of Indiana, or denied or pre-empted by any other law, or is not expressly granted by any other to another governmental entity;

WHEREAS the Board of Commissioners of the County of Elkhart, Indiana is the County executive and legislative body and is by law authorized to adopt ordinances and resolutions for the administration of its governmental affairs;

WHEREAS the Board of Commissioners of the County of Elkhart, Indiana desires to establish and implement a uniform and consistent policy with respect to mailboxes located within public right-of-way and which are damaged as a result of highway usage or highway operations;

NOW, THEREFORE, BE IT RESOLVED AND ESTABLISHED, by the Board of Commissioners of the County of Elkhart, Indiana;

1. The County of Elkhart, Indiana and the Elkhart County Highway Department shall not be responsible and assume no responsibility for repairing or replacing any damaged mailboxes when:

- a. The mailbox is located less than three (3) feet from the edge of the pavement to the face of the mailbox regardless of the circumstances causing the damage;
- b. The mailbox is damaged as a result of objects, snow sleet, ice, water, or other precipitation thrown by a plow;
- c. The mailbox is found to have been in an unsound condition prior to the damage, regardless of the circumstances causing the damage;
or
- d. The mailbox is damaged by any person who is not acting under the direction or at the request of the County of Elkhart, Indiana.

2. Except as provided in Paragraph One (1) above, the County of Elkhart, Indiana through the Elkhart County Highway Department shall be responsible for replacing or repairing damaged mailboxes when:

- a. The mailbox is physically struck by an Elkhart County owned and operated maintenance truck;
- b. The mailbox is physically struck by an Elkhart County owned and operated snowplow; or
- c. The mailbox is physically struck by a snowplow owned and operated by a subcontractor performing precipitation removal operations at the request of the Elkhart County Highway Department.

3. Damaged mailboxes that are replaced by the County of Elkhart, Indiana pursuant to this Resolution shall be new but not necessarily identical to the damaged mailbox. The County of Elkhart, Indiana and the Elkhart County Highway Department shall not provide any approaches to a mailbox.

RESOLVED AND ESTABLISHED this 28 day of December, 1998.

**BOARD OF COMMISSIONERS OF THE
COUNTY OF ELKHART, INDIANA**

Amos Sheets, President
Philip E. Neff
Phil Stiver

ATTEST:

Stephen J. Malone
Elkhart County Auditor