

**BOARD OF SUPERVISORS
NORTH WHITEHALL TOWNSHIP
LEHIGH COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2004-6

**AN ORDINANCE SETTING FORTH THE LIABILITY AND
RESPONSIBILITY FOR MAILBOXES, MAILBOX POSTS,
GRASS, VEGETATION, AND LAWN TURF
WITHIN ROADWAY RIGHT OF WAY**

WHEREAS, mailboxes and mailbox posts are permitted within roadway right of way to facilitate the federal postal system; and

WHEREAS, grass, vegetation and lawn turf are sometimes permitted within roadway right of way to the extent said items do not impede the sight of the traveling public and are sometimes desired by abutting property owners; and

WHEREAS, snow removal, plows, and plowed slush, snow, ice and combinations thereof, and other maintenance operations sometimes result in damage or destruction of mailboxes, mailbox posts, grass, vegetation, and lawn turf; and

WHEREAS, it is necessary, in order to insure the welfare and safety of the public, highways and streets receive snow removal and related operations by the Township.

NOW THEREFORE, the Board of Supervisors does hereby enact and ordain:

SECTION I: Any installation and maintenance of mailboxes, mailbox posts, grass, vegetation and lawn turf within the roadway right of way, shall be so installed and maintained solely at the property owner's risk.

SECTION II: The Township shall not repair or replace mailboxes, mailbox posts, grass, vegetation and lawn turf within the roadway right of way. The only exception to the repair or replacement of the aforementioned items by the Township shall be upon the confirmation that such damage or destruction occurred through the backing or turning maneuvers of a Township-owned vehicle.

SECTION III: All other Ordinances or parts of Ordinances in conflict herewith in whole or in part are hereby repealed, but only to the extent of such conflict.

SECTION IV: In the event that any provision, section, sentence, clause, or other part of this Ordinance, or any application thereof, is held to be invalid by a court of competent jurisdiction, then such invalidity shall not affect or impair any other remaining provision, section, sentence, clause, or other part of this Ordinance, or any application thereof, it being the express intent of the Township that the remainder of this Ordinance and its applications shall be and shall remain in full force and effect, as completely as if the part or parts or application held invalid had not been included herein.

SECTION V: This Ordinance shall take effect five (5) days after the enactment thereof.

SECTION VI: The Township Secretary or Acting Secretary to the Board of Supervisors of North Whitehall Township shall certify to the adoption of this Ordinance, and shall cause the same to be filed and/or published as required by law.

DULY ENACTED AND ORDAINED this 15th day of December, 2004 by the Board of Supervisors of North Whitehall Township, at a duly advertised, noticed, published and lawfully assembled regular public meeting and hearing.

ATTEST:

**BOARD OF SUPERVISORS OF
NORTH WHITEHALL TOWNSHIP**

BY: _____
Brenda Norder, Secretary

BY: _____
Ronald E. Stahley, Chairman

(SEAL)

BY: _____
Terry P. Stoudt, Supervisor

BY: _____
Ronald J. Heintzelman, Supervisor