

**Amherst Township Resolution Regarding:**  
**Mailbox and Lawn Damage Policy**

The Board of Trustees of Amherst Township, Lorain County, Ohio met in regular session on the **11<sup>th</sup> day of March 2014** at the Amherst Township Hall with the following members present:  
(Presence indicated by a ✓ mark)

- ✓ Mr. Dennis Abraham
- ✓ Mr. Neil Lynch
- ✓ Mr. David Urig

Mr. Lynch moved to adopt the following resolution:

**Whereas**, Revised Code Section 5571.01(B) authorizes the Board of Township Trustees to construct, improve, maintain, or repair the berm of any road under its jurisdiction, in order to provide a hard surface or other improved approach to rural mail boxes located on public highways; and

**Whereas**, Revised Code Section 5571.08 requires that the Board of Township Trustees shall cause all the township roads within the township to be kept free from obstruction by snow; and

**Whereas**, Revised Code Section 5571.14 authorizes the Board of Township Trustees or the township highway superintendent to declare an object to be a public nuisance when determined that an object bounding any township road and located wholly or in part on the land belonging to the road interferes with snow or ice removal from, the maintenance of, or the proper grading, draining, or dragging of the road, causes the drifting of snow on the road, or in any other manner obstructs or endangers the public travel of the road; and

**Whereas**, Revised Code Section 5543.14 authorizes the Board of Township Trustees to trim or remove any and all trees, shrubs, and other vegetation growing in or encroaching onto the right-of-way of the township roads of its township, as is necessary in the board's judgment to facilitate the right of the public to improvement and maintenance of, and uninterrupted travel on, township roads; and

**Whereas**, Revised Code Section 5579.04 authorizes the Board of Township Trustees and township road superintendents, between the first and twentieth days of June, the first and twentieth days of August, and, if necessary, the first and twentieth days of September of each year or whenever necessary to prevent or eliminate a safety hazard, to destroy all brush, briers, burrs, vines, and noxious weeds growing within the limits of a township road or improved, graveled, or macadamized road, street, or alley within township jurisdiction; and

**Whereas**, road improvement, maintenance and repair work, and the removal of road obstructions, snow, ice, safety hazards, weeds and brush within Amherst Township occasionally result in the damage of mailboxes, lawns and other items located within the road right of way; and

**Whereas**, this damage may be caused by snow thrown by a snow plow, scraping of lawns by equipment or damaged as a result of direct physical contact of township equipment; and

**Resolution Number** 3-06-14

**Whereas**, the Amherst Township Board of Trustees has followed a long standing policy of repairing or replacing, at Township expense, damaged lawns and mailboxes along Township roads only when damaged by actual physical contact with Township equipment, but only if such items were properly located and installed; and

**Whereas**, when a mailbox or post could not be repaired, and thus required replacement, this long standing policy replaced the items with a standard U.S. postal mailbox and post; and

**Whereas**, the Amherst Township Board of Trustees believes that the health, safety and welfare of the residents of Township would be best served if this mailbox and lawn damage policy were documented in written form;

**Now, therefore be it resolved by the Trustees of the Township of Amherst, State of Ohio:**

**Section 1:** That the Amherst Township Board of Trustees adopts the “Mailbox and Lawn Damage” policy attached to this resolution.

**Section 2:** The attached policy shall be included in the Amherst Township Policy manual.

**Section 3:** It is found and determined that all formal actions of the Township Trustees concerning and relating to the adoption of this Resolution were adopted in an open meeting, and that all deliberations of the Trustees and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including the Ohio Revised Code.

Mr. Abraham seconded the Resolution, and the roll being called upon its adoption, the vote resulted as follows:

| <b>Trustee</b>     | <b>Yes (√)</b>                      | <b>No (√)</b>            | <b>Abstain (√)</b>       |
|--------------------|-------------------------------------|--------------------------|--------------------------|
| Mr. Dennis Abraham | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mr. Neil Lynch     | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mr. David Urig     | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Adopted \_\_\_\_\_  
Mr. Howard Akin, Township Fiscal Officer

03/11/2014  
Date

**CERTIFICATE OF RECORDING OFFICER**

I, the undersigned, hereby certify, that the foregoing is a true and correct copy of the resolution adopted by the Board of Trustees held on the 11<sup>h</sup> day of March 2014, and that I am duly authorized to execute this certificate

\_\_\_\_\_  
(original signature)

Amherst Township Fiscal Officer  
(title)

## **Mailbox and Lawn Damage Policy** (Reference Ohio R.C. 5547.03, 5547.04, 5571.14)

Although undesired, there is always a potential for damage to mailboxes and lawns during the snow removal process, road work or roadside mowing. Mailboxes and lawns that are damaged along Amherst Township roads by actual physical contact with Township equipment will be repaired at the Township's expense, but only if they were properly located and installed. Damage will be evaluated by the Township Road Superintendent on a case by case basis.

Mailboxes and lawns that are damaged on County or State roads within Amherst Township will be addressed by the policy of the agency responsible for the road maintenance.

Damaged lawn area will be repaired and reseeded as determined by the Township.

Mailbox repairs will not take place until current snow operations are finished. Future snow events could delay repairs. Altered or custom-made mailboxes damaged by plow strike, will be replaced with a standard U.S. postal mailbox and post. The Township is not responsible for any mailbox that is not the standard U.S. postal mailbox permitted in the right-of-way. Replacement of "designer" mailboxes will be the responsibility of the owner.

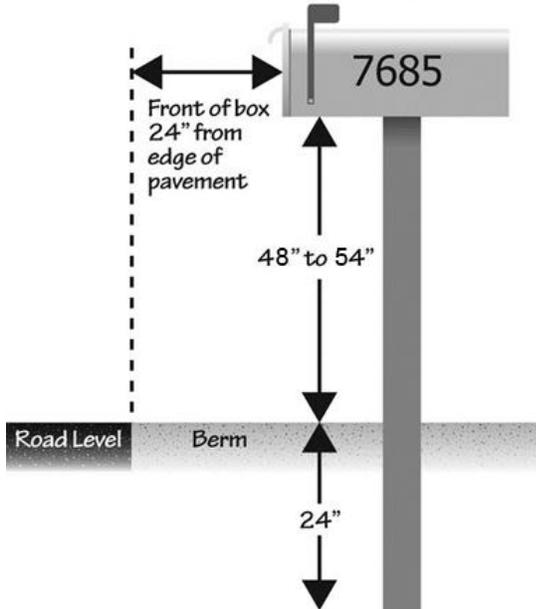
Owners eligible for a replacement mailbox, as determined by the Township Road Superintendent, may choose to be reimbursed **\$75.00** in lieu of the replacement box. Reimbursement request will occur only after completion of the form found at the end of this policy.

Mailboxes that have been confirmed damaged by physical contact of Township equipment will be repaired or replaced by the Township with a standard rural type mailbox on a 4x4 wood post provided that:

- 1) The damaged mailbox had been installed properly per the United States Postal Service.
- 2) If the mailbox and its post were deteriorated, the decision to replace either part will be at the discretion of the Township Road Department.

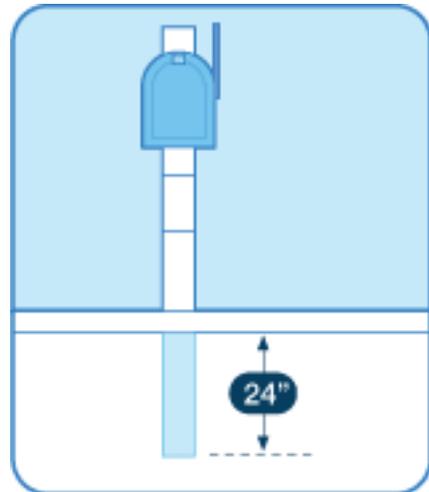
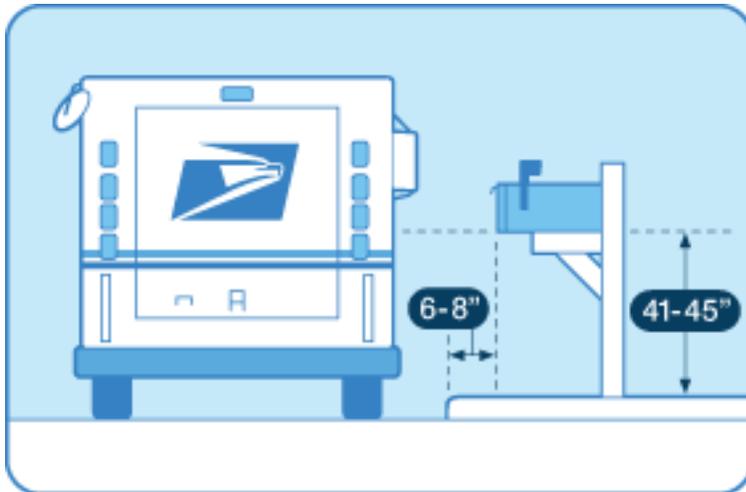
The mailbox owner is responsible for repair or replacement of the mailbox if the mailbox was damaged by the pressure of the plowed snow and there was no physical contact with the snow plow equipment.

### Mailbox Installation on township roads



**Mailbox Installation on Street without Curb. Allows Mail Truck to Drive on Berm.**

### Mailbox Installation on Street with Curb.



Amherst Township, Lorain County, Ohio

**Damaged Mailbox Policy**

RELEASE AND AGREEMENT OF ALL CLAIMS

I, (print name) \_\_\_\_\_, residing at \_\_\_\_\_, in consideration of the sum of **\$75.00** to be paid to me by Amherst Township, Lorain County, Ohio, herby refuse, or refused, the installation of a standard mailbox and/or post by Amherst Township, and further understand that by accepting said payment, I am responsible for the repair and/or replacement of said mailbox, and do hereby compromise, forever discharge, waive and release any and all rights, claims, demands, damages, actions and causes of action which I have or may have against Amherst Township, Lorain County, Ohio, its officers, agents and servants, including such as have arisen or may arise by reason of or in any manner growing out of the incident which occurred on \_\_\_\_\_ (mm/dd/yy).

It is understood that this payment of **\$75.00** is in full payment and satisfaction of the disputed claim and is not to be construed as an admission of liability on the part of Amherst Township, Lorain County, Ohio. And furthermore I, (print name) \_\_\_\_\_, in consideration of the payment aforesaid, do hereby expressly covenant and agree that I will forever indemnify and save harmless Amherst Township, Lorain County, Ohio, its officers, agents, and servants, with the intent, or for the purpose, of establishing or enforcing any further claim for damages arising out of such accident.

I further agree that I have not subrogated nor will I subrogate at any time in the future, any claim arising from the incident as herein above set forth.

\_\_\_\_\_  
Claimant Signature

\_\_\_\_\_  
Township Witness Signature

\_\_\_\_\_  
Date (mm/dd/yy)

Return original form to:  
Amherst Township Fiscal Officer  
7530 Oberlin Road  
Elyria, Ohio 44035