

RESOLUTION ESTABLISHING MAILBOX POLICY, PULASKI COUNTY, INDIANA

RESOLUTION # 2014-01

This Resolution of the Pulaski County Commissioners is effective this 17th day of March, 2014.

WHEREAS, IC § 36-1-3-1 et seq. permits any County in the State of Indiana to exercise any power to 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 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 Pulaski County 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 Pulaski County desire to establish or implement a uniform and consistent policy with respect to mailboxes located within the public right-of-way which have been damaged as a result of highway usage or highway operations;

NOW THEREFORE BE IT RESOLVED AND ESTABLISHED by the Board of Commissioners of Pulaski County:

1. Pulaski County and the Pulaski 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 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 damages; or
 - d. The mailbox is damaged by any person who is not acting under the direction or at the request of Pulaski County.

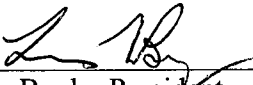
2. Except as provided in Paragraph One (1) above, Pulaski County, Indiana through the Pulaski County Highway Department shall be responsible for replacing or repairing damaged mailboxes when:
 - a. The mailbox is physically struck by a Pulaski County owned and operated maintenance truck;
 - b. The mailbox is physically struck by a Pulaski 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 Pulaski County Highway Department.


d. Any other reason that may subject the County of Pulaski to liability exposure in the opinion of the County attorney.

3. Damaged mailboxes that are replaced by the County of Pulaski pursuant to this Resolution shall be new but not necessarily identical to the damaged mailbox. The decision of whether to provide compensation, or engage to provide services to repair a mailbox is solely within the discretion of the Pulaski County Highway Superintendent for paragraph 2(a)(b)(c) and the County Attorney under paragraph 2(d). The County of Pulaski and the Pulaski County Highway Department shall not provide any approaches to a mailbox.

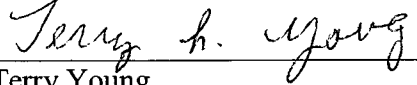
RESOLVED AND ESTABLISHED this 17th day of March, 2014.



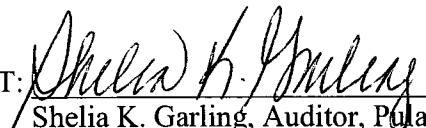
Larry Brady, President



Tracey Shorter, Vice President



Terry Young

ATTEST: 

Shelia K. Garling, Auditor, Pulaski County