

CLEAR LAKE TOWNSHIP

ORDINANCE NO. ORD-2022-009

AN ORDINANCE REGULATING MAILBOXES ON TOWNSHIP ROADS

The Board of Supervisors of the Clear Lake Town Board hereby ordains:

Section 1. Purpose and Intent. This ordinance is adopted for the purposes of regulating the placement of mailbox assemblies on Township Rights of Way and setting forth under what conditions and to what extent the Township shall be responsible for damage to mailboxes from Township snowplowing operations.

This ordinance is adopted in accordance to the provisions of Minn. Statute §169.072 and Minnesota Administrative Rule 8818.0300.

Section 2. Definitions. The following terms shall have the meanings set forth below when used in this ordinance:

- A. "Township Right of Way" means any street, roadway or highway regularly maintained by Clear Lake Township.
- B. "Mailbox" means any box approved by the United States Post Office for residential mail delivery that is installed within the Township road right of way.
- C. "Mailbox Support" means the hardware required for an approved "swing away" type mailbox assembly.
- D. "Properly Installed Mailbox" means any mailbox of the type and installed in the manner shown on the attached Exhibit A.

Section 3. Installation of New and Replacement Mailboxes. All mailboxes installed in a Township Right of Way after the effective date of this ordinance, whether new or replacement mailboxes, shall of the type and shall be mounted on a "swingaway" metal pole as shown on the attached Exhibit A.

Section 4. Mailboxes and Mailbox Supports damaged by the Township Snowplow. Clear Lake Township shall only be responsible for the repair or replacement of mailboxes

in a Township right of way that are damaged during snowplowing operations conducted by or on behalf of the Township when all of the following conditions are met:

- A. The mailbox is mounted at least 42 inches above the road surface; and
- B. The mailbox was hit and damaged by the snowplow blade or snowplow truck rather than by the snow being plowed from the road; and
- C. If the mailbox was installed after the effective date of this ordinance, the mailbox must have been a Properly Installed Mailbox at the time it was damaged; and
- D. The property owner notifies the Township of the damage within seven calendar days after the damage occurred.

Section 5. Repair or Replacement of the Damaged Mailbox. For mailboxes meeting the criteria set forth in Section 4 above, the Township shall repair said mailbox or replace said mailbox and its support post (if the post is not a swingaway type support post) with a Properly Installed Mailbox at Township expense. Responsibility for the repair or replacement of mailboxes not meeting the criteria set forth in Section 4 above shall remain with the owner of the property that the mailbox serves.

Section 6. Installation of Mailboxes Other Than Properly Installed Mailboxes. It shall be a violation of this ordinance for any person to remove a Properly Installed Mailbox and install a non-Properly Installed Mailbox in its place. In such instance, pursuant to Minn. Statute §169.072, the Township may remove such non-Properly Installed Mailbox and install a Properly Installed Mailbox and bill the cost of doing so to the owner of the property that the mailbox serves. If the owner fails to reimburse the Township within 30 days of billing for the costs incurred by the Township in removing a non-Properly Installed Mailbox and installing a Properly Installed Mailbox in its place, the Township may certify such costs to the County Auditor for collection with the property taxes in accordance with Minn. Stat. § 366.012.

Section 7. Henceforth, all Township roadway construction and/or re-construction projects will include removal of existing mailbox assemblies and re-installation of approved mailbox supports as contract items. As stated in Section 6, these installations within Town Road Right of Way are to remain as installed.

Section 8. Access permits to Town Road Rights of Way for all new commercial or residential construction will require installation of an approved mailbox support. The

location will be designated and the installation will be performed by the Township. A \$200.00 charge for hardware and installation costs will be assessed as part of the access permit fee.

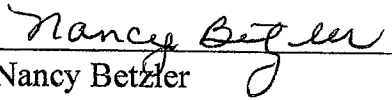
Section 9. Severability. If any portion of this Ordinance is found unconstitutional or otherwise invalid by a court of proper jurisdiction, all remaining provisions shall remain in effect and shall not be affected by the ruling on the invalid section.

Section 10. Effective Date. This Ordinance shall become effective and enforceable upon its publication in the Town's official newspaper.

Approved by the Clear Lake Town Board this 15 th day of March, 2022.



Gary Gray
Town Board Chair



Nancy Betzler
Town Clerk