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TOWN OF SILVER CREEK POLICY ON SALE AND INSTALLATION OF MAILBOX SUPPORTS

It is the goal of Silver Creek to provide public rights of way for the traveling public that are safe, efficient, and are free of unnecessary hazards, while providing minimum inconvenience to property owners. Minnesota law declares certain mailbox installations to be a public nuisance, a road hazard, and a danger to the health and safety of the traveling public (Minnesota Rules Chapter 8818), and authorizes the road authority to remove and replace such a support (Statute 169.072).

1. Replacement of Unlawful Mailbox Supports and Installations

Any mailbox support on Township maintained roads deemed unlawful by the Town of Silver Creek Board, as defined by Minnesota Rules Chapter 8818 (attached), shall be replaced. Once a support is deemed unlawful, the owner will be notified in writing, that the owner shall replace within 60 days. As an incentive to use approved supports, the Township provides the following options:

- a. The owner may purchase the support from the Township at the current rate (see Fee Schedule), install it his(her)self, and remove the unlawful support.
- b. The Township will furnish and install an approved support for the fee currently in effect (see Fee Schedule). Owner must remove unlawful support.

An unlawful support remaining after the expiration of the 60-day time period will be removed and replaced by the Township at the owner's expense up to \$75.00 to cover the costs incurred.

2. Replacement of Damaged Mailbox Supports by Town of Silver Creek

The Silver Creek Road Crew will replace a lawful mailbox supports damaged by Township equipment such as plow trucks ONLY provided the support was properly installed according to U.S. Postal and Highway Department standards and was **actually hit by snowplowing equipment**. When heavy snows push into approved swing-away mailboxes, they will survive heavy snow events. Unapproved mailbox supports are subject to breakage and said breakage, **when resulting from the pushing of snow, will not be the responsibility** of the Town of Silver Creek.

3. Miscellaneous Attachments to Mailbox Supports

Newspaper delivery boxes, advertisement delivery boxes, nameplates, address plates, etc., shall not be installed underneath the mailbox, whether attached to the mailbox support or on a separate post. The area underneath the mailbox shall remain free of obstructions in order to allow the unhindered passage of the snowplowing blade. Obstacles interfering with the wing blade force the plow to swerve, often into the oncoming lane, creating an unsafe situation for motorists and plow operators.

4. Ownership of Mailbox Supports

Mailboxes and mailbox supports are the property of the mail route patron. All mailboxes placed within the road right-of-way are placed there at the owner's risk. Replacement or installation of mailbox supports by the Township does not signify any change of ownership. The support remains the property of the owner and it is the owner's responsibility to maintain to conformance standards.

5. Interruption of Mail Delivery

When the Township must remove and replace a mailbox support, it shall be done in such a manner as to cause no interruption of mail delivery if at all possible.

6. Spacing of Mailbox Supports

In accordance with Minnesota Rules Chapter 8818, mailbox supports shall be spaced no closer than 30 inches.

7. Call Before You Dig (Gopher State One Call)

48 hours prior to installation of any new mailbox support, contact the Gopher State One Call for utility locates (1-800-252-1166).

8. **FEE SCHEDULE**

Due to liability concerns, the Town of Silver Creek Road Crew will only install Mailbox Supports at locations along roads recognized and maintained by the Town of Silver Creek. Residents of Silver Creek living on county roads such as Highway 3 can received these services through Lake County.

a. Purchase of approved swinging mailbox support hardware only: \$50.00

b. Purchase for approved mailbox support and Installation: \$75.00 **

** Installation includes the support only, removal of old support and attaching the mailbox itself to the support is the responsibility of the owner

169.072 UNAUTHORIZED MAILBOX INSTALLATION.

Subdivision 1.Public hazard.

A mailbox installation or support on a public highway that does not meet the breakaway and location standards contained in rules adopted under subdivision 2 is declared to be a public nuisance, a road hazard, and a danger to the health and safety of the traveling public.

Subd. 2.Standards; rulemaking.

The commissioner shall by January 1, 1993, adopt rules that provide for standards and permissible locations of mailbox installations and supports on a street or highway. The commissioner shall base the rules substantially on federal highway administration regulations or recommendations, or other national standards or recommendations regarding the location and construction of safe, breakaway mailbox installations or supports. In adopting the rules, the commissioner shall consider the safety of the traveling public relative to the convenience and expense of owners of nonconforming mailbox installations or supports. The commissioner may provide for alternative standards to allow variances from the rules.

Subd. 3.Removal, notice.

(a) After adoption of the rules authorized under subdivision 2, the commissioner or a road authority as defined in section 160.02, subdivision 25, may remove and replace a mailbox installation or support that is (1) located on a street or highway under the jurisdiction of the commissioner or road authority, and (2) does not conform to the rules adopted under subdivision 2. The commissioner or road authority may remove and replace a nonconforming mailbox installation or support not less than 60 days after giving notice, by personal notice or certified mail to the owner or the resident at the address served by the mailbox, of its intent to remove and replace the installation or support. The commissioner or road authority may charge the owner or resident not more than \$75 for the cost of the removal and replacement.

(b) The notice must at a minimum:

- (1) inform the owner of the nonconforming installation or support;
- (2) inform the owner or resident of the applicable law and rules, including the rules that contain the standards for mailbox installations and supports on public streets and highways;
- (3) inform the owner or resident that the owner or resident must remove the installation or support or bring it into compliance with the rules within 60 days of the date of the notice;
- (4) inform the owner or resident of the applicable laws and rules and the standards for mailbox installations and supports on public streets and highways, and provide plans or diagrams of examples of conforming installations or supports;
- (5) inform the owner or resident that if the nonconforming installation or support is not removed or replaced within 60 days of the date of the notice, the commissioner or road authority may remove and replace the installation or support at a cost of up to \$75 to the owner or resident; and
- (6) inform the owner or resident that where the replacement is made in conjunction with certain federally aided highway construction projects the replacement may be made at partial or no cost to the owner or resident.:

Adopted by the Board on 4/23/19