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SHAWANO COUNTY CLERK

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CERTIFICATION

**STATE OF WISCONSIN }
COUNTY OF SHAWANO }**

I, Rosemary Rueckert, County Clerk, in and for the County of Shawano, State of Wisconsin, do hereby certify that Ordinance No. 2-12, is a true and correct copy of the original Ordinance No. 2-12 duly adopted by the Shawano County Board of Supervisors at a meeting held on February 22, 2012 in the City of Shawano.

Given under my hand and official seal, at the Shawano County Courthouse, in the City of Shawano, this 12th day of March 2012.

Signed: Rosemary Rueckert, Shawano County Clerk



ORDINANCE NO. 2-12

APPROVING A MAILBOX ORDINANCE FOR SHAWANO COUNTY

WHEREAS, mailboxes placed within the public right-of-way are owned by the property owner but are placed there at the owner's risk; and

WHEREAS, mailbox installation and support, along with the on-going maintenance and conformity with current U.S. Postal Service standards, are the responsibility of the property owner; and

WHEREAS, the proper location and installation of mailboxes can minimize potential hazards and provide for safe travel, convenient mail delivery, and effectively accommodate snow clearance and road maintenance activities; and

WHEREAS, Section 86.04 of the Wisconsin Statutes provides that the county highway committee may order the removal of any mailbox that obstructs or encroaches upon the right-of-way, and a county ordinance may be passed to more specifically address issues of mailbox construction, installation, maintenance, repair and removal; and

WHEREAS, it has been determined that it is in the best interest of Shawano County to establish uniform standards regarding mailbox construction, installation, maintenance, repair and removal in any county road right-of-way in Shawano County.

NOW, THEREFORE, BE IT ORDAINED BY THE SHAWANO COUNTY BOARD OF SUPERVISORS in session this 22nd day of February, 2012, that they adopt the following ordinance:

MAILBOX ORDINANCE

SECTION 1: APPLICABILITY AND ENFORCEMENT.

The provisions of this ordinance shall apply to all residents of Shawano County who install, erect, maintain and/or replace mailboxes along Shawano County road right-of-ways after publication date of this ordinance. However, nothing shall prevent Shawano County from exercising its rights under Section 86.04 of the Wisconsin Statutes which allows the county to order the removal of any existing mailbox that encroaches or obstructs the public right-of-way, or that does not comply with federal standards for mailbox installation.

SECTION 2: INTENT.

The intent of this ordinance is to require that accessible mailboxes be placed upon county road right-of-ways in such a manner that allows for safe travel, convenient mail delivery, efficient snow clearance and the maintenance of road right-of-ways.

SECTION 3: GENERAL REQUIREMENTS.

All mailboxes shall meet U.S. Post Office, federal, and state requirements.

1. Support. The support should be a wood post, steel pipe, or steel channel installed no more than 24 inches in the ground and extending to a vertical height such that the bottom of the mailbox is a minimum of 42 inches but not to exceed a maximum of 48 inches above the ground surface. The support should be one of the following dimensions:
 - a. Square wood post: 4 x 4 inch nominal
 - b. Round wood post: 4 inch diameter
 - c. Steel pipe: 1-1/2 inch inside diameter
 - d. Steel channel: 2 pounds per foot

Dimensions exceeding these will be deemed unacceptable and in violation of the ordinance.

Mailbox supports must be designed so that if struck, it will bend or fall away from the striking vehicle to prevent severe damage to the vehicle or injury to the traveling public. Massive supports such as telephone poles, heavy metal posts, concrete posts, antique farm equipment, or other similar items are prohibited. The support should not be set in concrete, nor is a base plate acceptable. Anti-twist flanges may be installed on the pipe or channel supports but should not be imbedded more than 10 inches into the ground.

No other object, including, but not limited to, landscaping boulders or fences may be placed near the mailbox on the right-of-way.

2. Attachment. The box-to-post attachment should be sufficient to prevent the separation of the box from the support post when struck.
3. Multiple mailboxes. If possible, a resident's newspaper tube and mailbox shall be placed on the same post to avoid unnecessary posts within the public right-of-way. No more than two mailboxes should be mounted on one support post unless specifically approved by the County Highway Department. A lightweight newspaper tube mounted below a mailbox will not be counted toward this limit. For a multiple installation, support posts must be spaced a minimum longitudinal distance apart which is equal to three-quarters of the height of the posts in the installation. Thus, for example, in an installation where posts are four feet above ground, they should be spaced three feet apart.
4. Location. Mailboxes must be located on the right side of the road in the carrier's travel direction and should be conveniently placed so the carrier does not have to leave the vehicle to deliver the mail. (The left side is permissible on one-way roads or streets.) They should be located on the far side of the driveways. The face of the mailbox must not extend over the edge of the traveled way or of a paved shoulder.

5. Installations should avoid blind spots or poor sight distance locations.
6. The County will maintain a supply of standard drawings of approved mailbox installations for issuance.
7. The U.S. Postal Service states that customers must remove obstructions, including vehicles, trash cans, and snow, that impedes the efficient delivery of mail. The Highway Department also encourages the removal of snow near mailboxes to help facilitate the safe and convenient delivery of mail, reduce potential conflicts between mail delivery vehicles and the traveling public, and to reduce the possibility of damaged mailboxes resulting from repeated snowplowing and pushing of snow toward the mailbox.

SECTION 5: MAILBOX REPLACEMENT.

Shawano County will repair or replace mailboxes damaged only along County roads where it has been determined that:

1. Physical damage, which can be proven and documented by the resident of the County, was caused by actual County truck or equipment contact;
2. The mailbox is of standard design and placed in conformance with this ordinance and all other applicable regulations; and
3. The existing installation, mailbox, and mailbox post were in good condition and repair.

Shawano County will not replace mailboxes damaged along County roads where it has been determined that:

1. The mailbox was not of standard design or not placed in conformance with this ordinance even though it may have been damaged by County equipment;
2. The mailbox, post and installation were not in good condition and repair; and
3. Evidence indicates that the weight of plowed snow resulted in the damage to the mailbox and/or post.

The replacement of mailboxes by Shawano County shall be limited to a minimum standard U.S. Post Office mailbox with a standard 4" x 4" treated wood post. Special decorative mailboxes and/or posts will not be provided. If the resident wishes to install a decorative mailbox and/or post that meet standards, it and any replacement cost beyond the standard design shall be at the resident's expense.

SECTION 6: PENALTIES.

In the event that any mailbox is deemed to be an obstruction or a road maintenance problem or not in conformance with the ordinance or other applicable regulations by the Shawano County Highway Department, the owner of the mailbox shall be notified in writing that the mailbox does not comply with the Shawano County Mailbox Ordinance standards and shall be repaired or replaced or moved as necessary. Upon such notification, the resident shall have 30 days to make corrections in order to come into compliance with this ordinance. Any and all costs of repair or replacement or removal shall be paid for by the resident and if any resident fails to pay the same, and the county must incur such costs, such costs may be placed upon the tax rolls as a special assessment against the applicable property.

Mailboxes installed or maintained in violation of this ordinance shall also be subject to removal pursuant to section 86.04, Wis. Stats.

Shawano County may take such other enforcement action as permitted under the laws of the State of Wisconsin.

If Shawano County, pursuant to Section 6, is successful in any enforcement action, all Shawano County costs, including reasonable attorneys' fees and costs, shall be charged against the resident, and if the resident fails to pay the same, such costs may be placed upon the tax rolls as a special assessment.

SECTION 7: COUNTY NOT RESPONSIBLE FOR DAMAGE.

Except as specifically provided in this ordinance, Shawano County shall have no responsibility or obligation for the repair or replacement of mailboxes or supports which may become damaged in the course of County road maintenance activities regardless of whether the location requirements of this ordinance have been followed. This ordinance is not intended to and shall not be construed to create any affirmative duty on the part of the Shawano County Highway Department to locate, remove, repair or replace improperly installed or maintained mailboxes.

SECTION 8: SEVERABILITY.

If any section, subsection, paragraph, clause, sentence, phrase, or word contained in this ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portion of this ordinance, which shall remain in full force and effect and, to this end, the provisions of this ordinance are hereby declared to be severable.

SECTION 9: EFFECTIVE DATE.

This ordinance shall be effective after adoption by the County Board and publication as provided by law.

Submitted by, Rick Giese
Bill Letter
Marion Wnek
Marlin Noffke
Dennis Knaak

HIGHWAY & PARKS COMMITTEE

Adopted: February 22, 2012
Summary Published: March 2, 2012