

TOWN OF LAFAYETTE

MAIL BOXES ON TOWN ROADS OR TOWN RIGHT-OF-WAYS

ORDINANCE 6 - 06

The Town Board of the Town of LaFayette, Walworth County, Wisconsin, does hereby ordain as follows:

SECTION 1.0 PURPOSE

The purpose of this ordinance is to regulate the placement of mailboxes within the Town road right-of-ways.

SECTION 2.0 AUTHORITY

This ordinance is enacted pursuant to § 82.03 and 86.04, WI Statutes, which gives the Town the authority to regulate all highway right-of-ways within the Town and to order any property owners to remove any encroachments in the Town right-of-ways.

SECTION 3.0 REQUIREMENTS

Mail boxes may be located in the right-of-way for a Town road, county highway, or state trunk highway adjacent to the owner's or occupant's property, only if the mail box complies with the following requirements:

- A. The post or other support for the mailbox must be set back at least two feet (2') from the edge of the shoulder of the town road, county highway or state trunk highway.
- B. The mail box must be set back at least six inches (6") from the edge of the shoulder of the town road, county highway or state trunk highway.
- C. The bottom of the mail box shall be not less than forty two inches (42") above the traveled portion of the roadway closest to the mail box.
- D. The mail box and its post or support shall not encroach upon or obstruct any town road, county highway or state trunk highway.
- E. Any post or support for a mail box shall consist of a post no greater than a four by four (4 x 4) wooden post or a two inch (2") maximum diameter metal post.

SECTION 4.0 VIOLATIONS

Mail boxes which fail to comply with this section are deemed obstructions and may be subject to removal. If removal is required, the property owner shall be given a thirty (30) day written notice to remove the obstruction, and, if the same is not removed by expiration of the thirty (30) days, a citation may be issued for each day the obstruction continues.

SECTION 5.0 PENALTIES

Any person who violates any of the provisions of this ordinance without the written consent of the Town Board shall be required to forfeit not less than ten dollars (\$10) nor more than one hundred dollars (\$100), and for a second or subsequent violation shall forfeit not less than ten dollars (\$10) nor more than five hundred dollars (\$500).

SECTION 6.0 ENFORCEMENT

This ordinance shall be enforceable by the Town Board or any town employee.

SECTION 7.0 TOWN OBLIGATIONS

- A. This section does not create a duty on the part of the Town of LaFayette to locate or remove obstructing mail boxes or supports.
- B. The Town of LaFayette shall have no obligation to repair or replace mail boxes or supports damaged by snow plowing operations or for any other reason.
- C. The Town may use any lawful means it deems necessary to recover the costs to repair or replace any Town equipment, including, but not limited to, snow plows or other plowing equipment which may become damaged from contact with any mail box or mail box support located on Town right-of-way, regardless whether the location requirements of this section have been complied with.
- D. The Town shall not be liable for any damages resulting from the owner's or occupant's failure to receive approval from the Post Master for the location, dimensions and materials for erection of any mail box or support or posts or for any damage to any mail boxes, supports or posts due to Town snow plowing operations or otherwise.

SECTION 8.0 REPEALING OF INCONSISTENT ORDINANCES

All ordinances or parts of ordinances inconsistent with or contravening the provisions of this ordinance are hereby repealed.

This Ordinance adopted by the Town Board of the Town of LaFayette on this 8th day of April 2009.

Bruno Schiffleger, Chair

Passed this day: 04.08.2009

Barbara A Fischer, Town Clerk-Treasurer

Filed this day: 04.08.2009