

**VILLAGE OF BIRCH RUN  
SAGINAW COUNTY, MICHIGAN**

**ORDINANCE # 2015-01**

**An Ordinance to establish requirements for the installation and maintenance of mailboxes along street rights-of-way that provide for efficient snow clearance, right-of-way maintenance, and enhance traffic safety.**

The Village of Birch Run ordains:

**Section 1: Title.** This Ordinance shall be referred to as the Mailbox Ordinance and shall regulate the existing and new mailbox installations within the Village right-of-way.

**Section 2: Purpose & Intent.** Residents and businesses within the Village shall comply with the regulations set forth by the United States Postal Service, in which standards are regulated for installation and maintenance of mailboxes for the purpose of local mail delivery. Mailboxes have been and are allowed in the right-of-way as a matter of convenience for the property owner and not as a matter of right. The purpose of this Ordinance is to ensure traffic safety, convenient mail delivery, and to accommodate snow removal and road maintenance.

**Section 3: Requirements for the Installation of Mailboxes.** All mailboxes must comply with the following installation requirements:

1. Mounting a mailbox on a street with a standing curb – The front face of the mailbox shall be set back 8-10 inches from the front face of the curb. The bottom of the mailbox shall be between 42 inches and 48 inches from the top of the pavement to bottom of lid opening of the mail receptacle.
2. Mounting a mailbox on a street with a mountable curb – The front face of the mailbox shall be set back 8-10 inches from the bottom of the gutter pan. The bottom of the mailbox shall be between 42 inches and 48 inches from the top of the pavement to bottom of lid opening of the mail receptacle.
3. Mounting a mailbox on a street without a curb – The front face of the mailbox shall be set back 8-10 inches from the edge of the pavement. The bottom of the mailbox shall be between 42 inches and 48 inches from the top of the pavement to bottom of lid opening of the mail receptacle.
4. The installer is responsible for calling for utility locations (Miss Dig) prior to digging or installation of the post.
5. Newspaper tube(s) shall be installed together with mailbox(es) wherever practical. The installation set back and height requirements shall conform to the corresponding mailbox dimensions listed above and must not reduce access to the mail receptacle opening and flag.

**Section 4: Notification to and Duty of Owner.** Should any mailbox or newspaper tube be deemed not in compliance with the installation requirements in Section 3, the owner of said mailbox or newspaper tube shall be notified in writing by first class mail. The aforementioned owner shall have ten days in which to realign the mailbox or newspaper tube to comply with the appropriate installation requirements in Section 3.

**Section 5: Failure to Comply.** If any person, firm, or corporation shall fail to comply with the provisions of this ordinance, the Village or its authorized representative, may realign any mailbox or newspaper tube in violation of this ordinance at the owner's expense. The Village shall keep an account of expenses incurred with respect to each mailbox or newspaper tube which is realigned in carrying out the provisions of this ordinance. The Village Council shall establish by resolution an hourly rate (a fraction of an hour shall be charged the full hourly rate) and an administrative fee which shall be charged by the Village for carrying out the provisions of this ordinance. Failure to remit payment within the specified time period shall result in said fine and cost placed as a tax lien on said parcel.

**Section 6: Collection of Cost from Owner.** A copy of the account as provided in Section 5 shall be transmitted to the Village Treasurer. Such amount shall be a lien against the premises, to be enforced in the manner provided by the general laws of the State of Michigan for the enforcement of tax liens.

**Section 7: Village Not Responsible for Damage.** The Village is not responsible for repair or replacement of mailboxes or newspaper tubes if or when damaged in the course of lawful and necessary street activities.

**Section 8: Civil Infraction.**

A person who violates any provision of this ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in the Village of Birch Run Municipal Civil Infraction Ordinance, plus costs and other sanctions for each infraction. Repeat offenses shall be subject to increased fines as provided by the Civil Infraction Ordinance.

**Section 9. Validity.** Should any section, clause or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

**Section 10: Effective date.** This ordinance shall become effective ten days after adoption and publication of this ordinance.

Village of Birch Run

By: \_\_\_\_\_

Marianne Nelson  
Its: President

By: \_\_\_\_\_

Stacey Plichta  
Its: Clerk