

RESOLUTION #08-01

Lake Eunice Township,
Becker County, Minnesota

A RESOLUTION REGARDING OBJECTS WITHIN
TOWN ROAD RIGHTS-OF-WAY

WHEREAS, the Town Board ("Board") of Lake Eunice Township ("Town") is the road authority and provides maintenance of town roads within the Town;

WHEREAS, the Board, as the road authority, provides for snow and ice control on the town roads it has designated to receive winter maintenance;

WHEREAS, the Board has encountered many problems with snow and ice removal and road maintenance as a result of objects within the town road rights-of-way;

WHEREAS, the Board determines it is in the best interest of the Town to develop a policy regarding objects within the town road rights-of-way;

NOW THEREFORE, BE IT RESOLVED, the Board hereby adopts the following policies regarding objects within the town road rights-of-way:

1. **Mailboxes**: Owners are responsible for erecting their own mailboxes in order to receive roadside mail delivery. Mailboxes must conform to the standards established by the Minnesota Department of Transportation. Mailboxes that do not conform to the established standards are considered a public nuisance and are prohibited by Minnesota Statute §169.072. The mailbox owner assumes all risk of damage from snow plowing including damage from pushed or piled snow. The Town will not pay to repair or replace any mailbox that does not substantially comply with the standards established by the state and adopted at Minnesota Rules Chapter 8818 even if the damage is the result of direct contact with snow plowing vehicles. The type of mailbox which complies with the Minnesota Rules requires what is commonly referred to as a "swing away" type post.

2. **Sod and Landscaping:** The Town assumes no responsibility for damages from snow or ice operations or normal maintenance to sod, trees, or other landscaping materials or vegetation within the town road rights-of-way.

3. **Lawn sprinklers, Lighting, and Personal Property** : The Town assumes no responsibility for damage to above ground or underground lawn sprinkling systems, exterior lighting systems, or other items of personal property located in the road rights-of-way whether by direct or indirect contact with snow or ice control equipment or road maintenance equipment.

4. **Road Maintenance Around Items Left In Road Right-Of-Way:**
It is the responsibility of private property owners to keep the road rights-of-way clear of vehicles, trailers, trash cans, and other items of personal property in order to facilitate the proper snow and ice control operations and road maintenance. If an owner fails to keep the road clear of personal property, the owner becomes responsible for promptly clearing the snow left in the right-of-way around the item. If the Board determines personal property left in the road right-of-way poses an unreasonable risk to public safety or interferes with snow plowing operations or road maintenance, the Town will have the item removed from the right-of-way at the owner's expense.

5. **Damage By Contractors:** The Town shall not be responsible for any damage or injuries caused by independent contractors performing snow or ice control operations or road maintenance for the Town. Any claims of damage must be made directly to the contractor.

	<u>YES</u>	<u>NO</u>	<u>OTHER</u>
Supervisor <u><i>M. Kelly</i></u>	<u>X</u>	_____	_____
Supervisor <u><i>James O. Renshaw</i></u>	<u>X</u>	_____	_____
Supervisor <u><i>Lloyd Kohler</i></u>	<u>X</u>	<u><i>[initials]</i></u>	_____
Adopted this <u>10th</u> day of <u>June</u> , 200 <u>8</u> .			