

**CITY OF BALDWIN
SHERBURNE COUNTY
STATE OF MINNESOTA**

ORDINANCE NO. 2025-03

**ORDINANCE AMENDING ORDINANCE NO. 100
REGULATING CITY PUBLIC RIGHT-OF-WAY**

The City Council for the City of Baldwin hereby ordains:

Section 1. Purpose and Intent. This Ordinance is adopted for the purposes of regulating the placement of mailbox assemblies within City public rights-of-way and setting forth under what conditions and to what extent the City shall be responsible for damage to mailboxes and other property from City snowplowing operations. This Ordinance is adopted in accordance with the provisions of Minn. Stat. § 169.072 and Minnesota Administrative Rule 8818.0300.

Section 2. Amendment of Section 1.07. Section 1.07 of Ordinance No. 100 is hereby amended to state as follows:

Section 1.07. Mailboxes, Signs and Newspaper Boxes.

1. **Mailboxes and Newspaper Boxes.** Properly installed mailboxes and newspaper boxes are permitted within a right-of-way if they do not interfere with, obstruct, or render dangerous for passage in a right-of-way. Mailboxes and newspaper boxes that comply with all of the standards contained in Minnesota Rules, Chapter 8818, as amended, and Appendix A of this Ordinance shall be considered a “Properly Installed Mailbox” meeting the requirements of this Ordinance.
2. **Removal of Mailboxes Other Than Properly Installed Mailboxes.** It shall be a violation of this Ordinance for any person to have a non-Properly Installed Mailbox. In such instance, pursuant to Minn. Statute § 169.072, the City may remove such non-Properly Installed Mailbox and install a Properly Installed Mailbox and bill the cost of doing so to the owner of the property that the mailbox serves. If the owner fails to reimburse the City within 30 days of billing for the costs incurred by the City in removing a non-Properly Installed Mailbox and installing a Properly Installed Mailbox in its place, the City shall have all of the remedies available pursuant to Section 1.20, subp. 4 of this Ordinance.
3. **Signs.** No sign of any nature may be placed or allowed to remain in any public right-of-way except an official traffic sign placed by a governmental authority or other signage expressly permitted by state law.
4. **Mailboxes and Other Property Damage.** Snow plowing and ice control, by its nature, can cause damage to areas adjacent to the street and trails even under the best of circumstances. The City’s plow operators will make every effort to avoid

damage to areas adjoining the street and trails, however, such damage does occur from time to time and will be addressed as follows:

- a. The City will determine if the damage is the responsibility of the City and when it shall be the responsibility of the resident. The City shall be responsible for physical damage to Properly Installed Mailboxes or other property if struck by a plow blade, wing or other piece of equipment.
- b. To be eligible for the remedies contained in this Section, the property owner must notify the City of the damage to the mailbox or other property within seven calendar days after the damage occurred. Staff will complete a form on every mailbox call to document and streamline resident calls for damage.
- c. Damage resulting from plow castings or the disturbance of snow or ice piles shall be the responsibility of the resident.
- d. If the damage is determined by the City to be caused by the City's plow blade, wing or other piece of equipment, the resident will have two options: i) the City will replace the mailbox, newspaper box and/or post with a "swing away" type mailbox assembly and mailbox as selected by the City which shall all be installed at City expense; or ii) the resident can replace their own mailbox, newspaper box and/or post at their sole expense. Further, if the resident elects not to accept the "swing away" type mailbox assembly replacement, the City shall bear no responsibility for any future damage to the resident's mailbox and mailbox assembly caused by the City's plow blade, wing or other piece of equipment. If just the mailbox is damaged, the City will replace it with a standard black mailbox.
- e. If a permanent repair can't be made during the winter, City staff will provide a temporary measure as it determines to assure that the resident can still receive delivery of their mail.
- f. The City shall bear no responsibility for damage to irrigation systems, driveway markers, landscaping beds, decorative boulders, or other items improperly placed in the public right-of-way along streets, paths or sidewalks. If such items are deemed to be a traffic hazard or endanger maintenance equipment or operators, the owner will be required to remove such items from the public right-of-way. Should the owner fail to timely remove the items, the City may remove such items and bill the cost of doing so to the owner of the property. If the owner fails to reimburse the City within 30 days of billing for the costs incurred by the City in removing such items, the City shall have all of the remedies available pursuant to Section 1.20, subp. 4 of this Ordinance.

- g. In instances where there is a disagreement as to the source of the damage to property and/or repair responsibilities, the City Council shall determine the obligation in its sole discretion.

Section 3. Revisions to Reflect Incorporation as a City. Ordinance 100 has been adopted in form and shall be amended by the City Clerk as necessary to revise references to “Baldwin Township”, the “Town”, “Town” officials, “Town” staff or “Road” or other relevant terms to address the Township’s incorporation as the City of Baldwin.

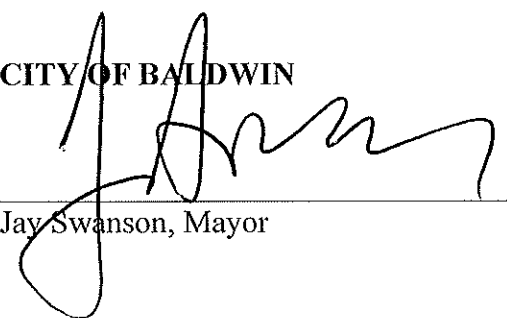
Section 4. Validity and Separability. Whenever any provision of this Ordinance is more restrictive than provisions of existing laws or ordinances, the provision of this Ordinance shall govern. Should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, except that part so declared to be invalid.

Section 5. Incorporation of Amendments. The City Clerk is hereby authorized and directed to incorporate the amendments made by this Ordinance into Ordinance No. 100 Regulating Town Road Right-of-Way and such updated version shall constitute the official Ordinance.

Section 5. Effective Date. This Ordinance shall take effect upon its passage and publication.

Approved and adopted by the City of Baldwin City Council this 3rd day of February 2025.

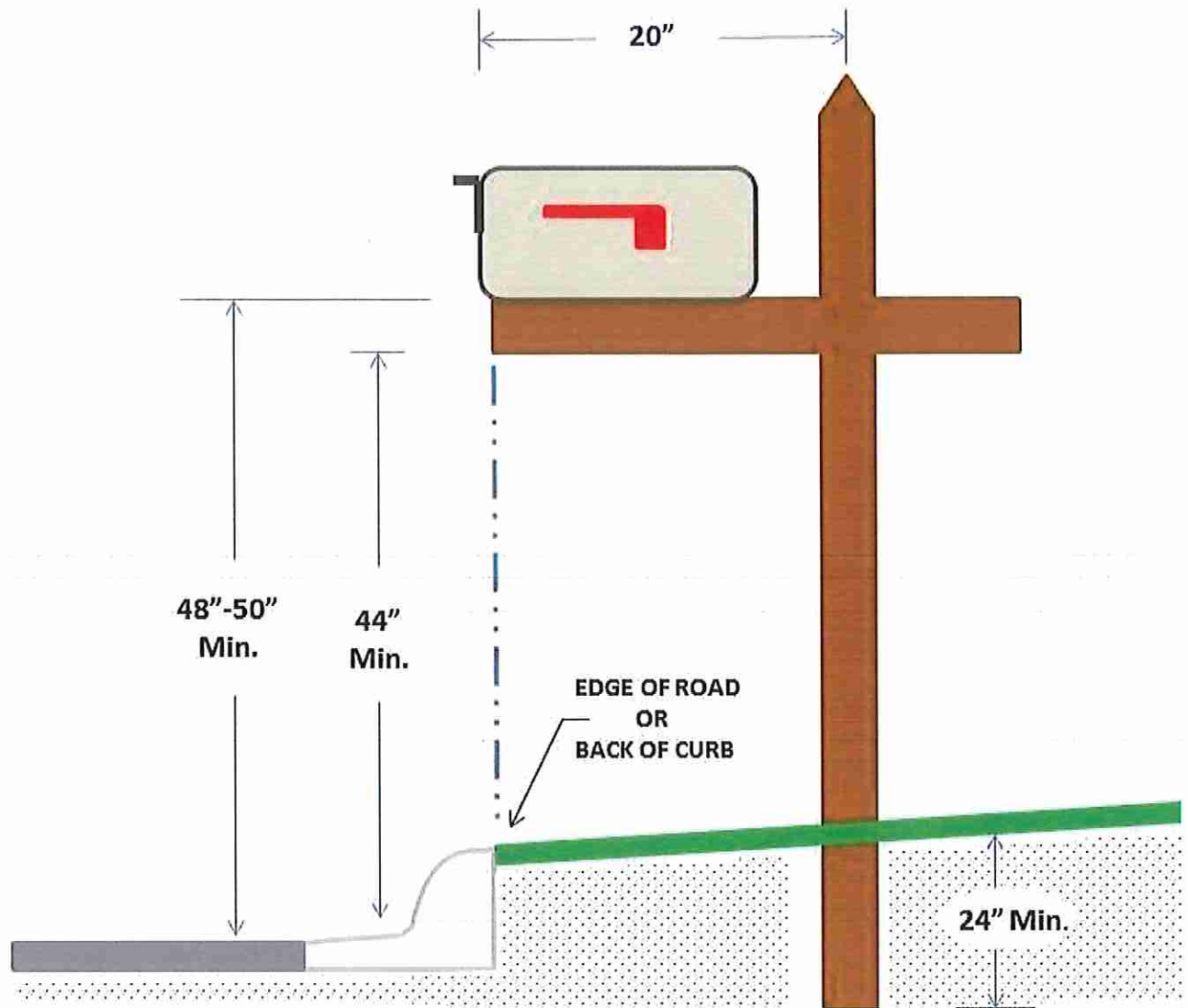
CITY OF BALDWIN


Jay Swanson, Mayor

Attested by:


Joan Heinen, Clerk

Appendix A



Appendix B

Mailbox/Property Damage/Concern Form

Complaint Date: _____

Resident Name: _____

Contact Number: _____

Address: _____

Explanation of Damage: _____

Staff Decision: _____

Circle One: City shall repair with "swing away" type mailbox assembly/Resident shall repair

Resident acknowledges and agrees if resident elects to replace their own mailbox, newspaper box and/or post, that such repair shall be at their sole expense. Further, if the resident elects not to accept the "swing away" type mailbox assembly replacement, the City shall bear no responsibility for any future damage to the resident's mailbox and mailbox assembly caused by the City's plow blade, wing or other piece of equipment.

Resident Signature: _____

Date: _____

Return form to:

City of Baldwin | 30239 128th Street NW, Baldwin, MN 55371 | Tel. (763) 389-8931 or email:
city.clerk@baldwinmn.gov