

ORDINANCE NO. 2012-05

AN ORDINANCE ESTABLISHING REQUIREMENTS FOR THE PLACEMENT OF MAILBOX ASSEMBLIES WITHIN PUBLIC RIGHTS-OF-WAY IN THE CITY OF MIDLOTHIAN, ATTACHED HERETO AS EXHIBIT "A"; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY THAT ANY VIOLATION OF THE TERMS OF THIS ORDINANCE IS DECLARED TO BE A MISDEMEANOR, AND ANY PERSON FOUND TO BE GUILTY THEREOF SHALL BE PUNISHABLE BY A FINE NOT TO EXCEED ONE THOUSAND DOLLARS (\$1,000), AND EACH DAY THAT SUCH VIOLATION CONTINUES SHALL CONSTITUTE A SEPARATE OFFENSE AND SHALL BE PUNISHABLE ACCORDINGLY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Midlothian, Texas (the "City") is a home rule city within the state of Texas, with full power of local self-government; and,

WHEREAS, mailbox assemblies within public rights-of-way need to be placed in such a manner so as not to create a safety issue for the traveling public or the function, maintenance, or operation of the City's roadway or utility systems; and,

WHEREAS, mailbox assemblies within public rights-of-way need to be placed in such a manner so as not to interfere with pedestrian traffic; and

WHEREAS, the City Council of the City of Midlothian does find and determine that it is in the best interest of the health, safety and general welfare of the citizens of the City of Midlothian, Texas to establish requirements relating to the placement of mailbox assemblies within public rights-of-way.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIDLOTHIAN, TEXAS:

SECTION 1. Adoption

That the *Requirements for the Placement of Mailbox Assemblies Within Public Rights-of-Way* in the City of Midlothian, attached hereto as Exhibit "A" and made part hereof for all purposes is, and same hereby, adopted as the official policy of the City.

SECTION 2. Cumulative Effect

This ordinance shall be cumulative of all other ordinances of the City of Midlothian, Texas and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. Severability Clause

That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional.

SECTION 4. Penalty

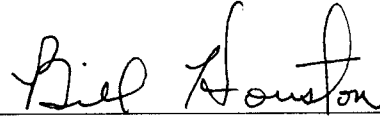
Any person, firm or corporation who shall violate any of the provisions of this ordinance or who shall fail to comply with any provision hereof shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine not to exceed one thousand dollars (\$1,000), and each day that such violation continues shall constitute a separate offense and shall be punishable accordingly.

SECTION 5. Effective Date

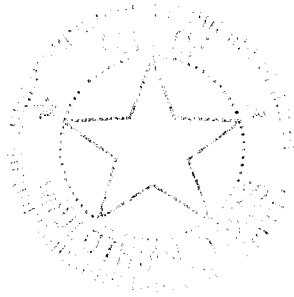
That this ordinance shall become effective from and after its passage as permitted by law.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Midlothian, Texas, on this the 13th day of March, 2012.

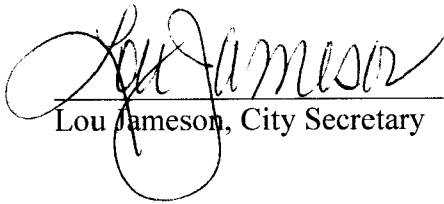
APPROVED:



Bill Houston, Mayor

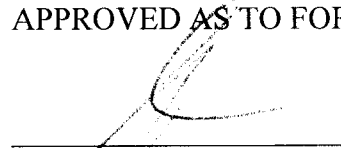


ATTEST:



Lou Jameson, City Secretary

APPROVED AS TO FORM:


Don Stout, City Attorney

**Requirements for the Placement of Mailbox Assemblies Within Public Rights-of-Way
Exhibit A**

That the *Requirements for the Placement of Mailbox Assemblies Within Public Rights-of-Way* in the City of Midlothian (City) and made part hereof for all purposes is, and the same hereby, adopted as the official policy of the City.

Definitions:

Words or phrases not expressly prescribed herein are to be defined in accordance with their customary usage as it relates to this specific application.

1. Breakaway support means a supporting post that yields or breaks away safely if struck by a vehicle. Such supporting post shall consist of a maximum nominal 4-inch by 4-inch square or 4-inch-diameter wood post or 1.5-inch to 2-inch-diameter standard steel or aluminum pipe post, which is buried no more than 24 inches deep with or without the use of concrete. Wood, steel or aluminum pipe posts exceeding the aforementioned size and installation depth requirements are permitted up to a maximum 6-inch nominal dimension when specifically designed as a breakaway support system in accordance with American Association of State Highway and Transportation Officials (AASHTO) guidelines.
2. Cluster-style mailbox assembly means a style whereby mailboxes, meeting the specifications of the United States Postal Service (USPS), are assembled and grouped together on a single area of land so they are regarded as one unit. The use of cluster-style mailboxes must be reviewed and approved by both the City and the USPS.
3. Custom-built mailbox assembly means an assembly constructed using materials that do not meet the definition of a “standard mailbox” and “breakaway support” (e.g., brick, stone or other masonry type materials and/or heavy gauge steel or other substantial materials), which is erected near the edge of the roadway or curbside of a street and is intended or used for the collection of mail and is to be served by a mail carrier from a vehicle.
4. Damaged mailbox assembly means damage of any origin sustained whereby over fifty percent (50%) of the mailbox assembly has been affected.
5. Standard mailbox assembly means an assembly consisting of lightweight sheet metal or plastic mailbox meeting the specifications of the USPS, which is located near the edge of the roadway or curbside of a street and is mounted on an approved breakaway support post, and is intended or used for the collection of mail and is to be served by a mail carrier from a vehicle. Standard mailbox assembly includes decorative/architectural style boxes and posts that meet USPS specifications. Multiple standard mailbox assembly installations must meet the same criteria as a single standard mailbox assembly installation.

Placement of Mailbox Assemblies:

1. No new or replacement mailbox assembly will be allowed to be installed within the City’s rights-of-way if its placement interferes with the safety of the traveling public or the function, maintenance, or operation of the City’s roadway or utility systems. Any new

or replacement mailbox assembly installation that does not conform to the provisions of these requirements is an unauthorized encroachment and is subject to removal as specified in this document.

2. The location and construction of mailbox assemblies shall adhere to the rules and requirements of the USPS, as well as to City requirements. In the event that there is a conflict between USPS and City requirements, the more stringent requirements shall apply.
3. Standard mailboxes mounted on an approved breakaway support posts are permitted within public rights-of-way along all City maintained roadways. The face of the mailbox assembly shall be set a minimum of 18 inches from the edge of pavement or between 6 and 8 inches from the face of curb. The post-to-box attachment shall be of sufficient strength to prevent the box from separating from the post under vehicle impacts. Lightweight sheet metal or plastic newspaper boxes may be mounted below the mailbox on the support. Refer to Figure 1 for a general detail of this type of placement.
4. Custom-built mailbox assemblies are only permitted along local and minor collector classified roadways. The face of these types of mailbox assemblies shall be set a minimum of 18 inches from the edge of pavement or between 8 and 12 inches from the face of curb. Custom-built mailboxes shall not be larger than two (2) feet wide by two (2) feet deep and five (5) feet high. Additionally, these types of structures shall not be permanently attached to any type of concrete pad or foundation. Refer to Figure 2 for a general detail of this type of placement.
5. Mailboxes made of heavy gauge steel or other substantial materials that are designed and sold as deterrents to vandalism and that meet USPS requirements shall adhere to the same requirements as custom-built mailboxes.
6. All mailbox assemblies must be placed in a manner that does not interfere with visibility from intersections, driveways, side streets, alleys or other access points.
7. Mailbox assemblies must not interfere with pedestrian traffic and shall not encroach into sidewalks or other accessible routes without providing a minimum of five (5) feet of clear, unobstructed and accessible space from all points around the assembly.
8. Cluster-style mailboxes are encouraged, whenever possible, for the purpose of public safety.
9. For individual-type mailbox assemblies, the property owner shall be responsible for the erection, maintenance, repair, replacement or removal of the roadside mailbox assembly serving their individual place of dwelling or business.
10. Mailbox assemblies located within public rights-of-way along State maintained roadways shall adhere to the requirements of the Texas Department of Transportation or their successor agency.

Permit:

1. A permit must be obtained from the City before a new mailbox assembly is installed within City rights-of-way. If the mailbox assembly is being installed in association with a new residence or business that has a valid building permit, the mailbox assembly will be inspected along with the building construction.

2. A copy of the mailbox assembly permit application form is included as Exhibit B. This form may be revised or updated from time-to-time as needed without having to amend these requirements.

Relocation and Replacement:

1. The City reserves the right to remove, relocate or cause to be relocated and/or replace any existing mailbox assembly located within public right-of-way that interferes with the safety of the traveling public or the function, maintenance, or operation of the City's roadway or utility systems or that interferes with pedestrian traffic, including the removal and replacement of custom-built mailbox assemblies with standard mailbox assemblies.
2. Any type of mailbox assembly located in City right-of-way is subject to damage or destruction at any time. The City shall not assume any liability for damaged or destroyed mailbox assemblies of any type installed within City rights-of-way.
3. If a standard mailbox assembly or cluster-style mailbox located in City right-of-way is damaged or destroyed as the result of City or utility company activities, the City or utility company that damaged or destroyed the mailbox assembly shall replace said mailbox assembly with one of the same or similar design.

Removal of Nonconforming or Unsafe Mailbox Assemblies:

Any new mailbox assembly that is found to violate the provisions of these requirements shall be removed by the property owner upon notification by the City. The City will provide the property owner with a written notice of violation, after which time, based on an assessment of hazard to the public, the property owner will be granted not less than 24 hours nor more than 30 calendar days to remove the mailbox assembly. Upon expiration of the specified removal period, the mailbox assembly will be removed by the City at the property owner's expense.

Unless the placement or location of an existing mailbox assembly that does not meet these requirements interferes with the safety of the traveling public or the function, maintenance, or operation of the City's roadway or utility systems or interferes with pedestrian traffic as detailed within this document, the mailbox assembly will be permitted to remain.



MAILBOX ASSEMBLY PERMIT

MAILBOX PERMIT ADMINISTRATOR
City of Midlothian
104 W. Avenue E
Midlothian, Texas 76065

APPLICATION NUMBER _____

CITY OF MIDLOTHIAN MAILBOX ASSEMBLY PERMIT APPLICATION

1. Name of Applicant: _____

Mailing Address: _____

2. Address for Mailbox: _____
(if different than mailing address above)

3. Nature of Proposed Mailbox Assembly Installation (check and complete as appropriate):
 Residential Non-residential

For non-residential, _____
(Name of Business)

4. Description of Proposed Mailbox Assembly Construction (check and complete as appropriate):
 Standard (post and lightweight box) Custom-built (masonry, heavy gauge metal, etc.)

For standard: _____
(specify materials to be used)

For custom-built: _____
(specify materials to be used)

NOTIFICATION:

By my signature below,
I have reviewed and acknowledge the City's *Requirements for the Placement of Mailbox Assemblies Within Public Rights-of-Way*.

I agree to comply with the provisions contained within these requirements and understand that failure to comply with any part of these provisions may result in the City removing, relocating or replacing the mailbox assembly at my expense.

Signature _____ Date _____

** Applicant must provide a copy of the property survey, plat or other legal description **

For City Use Only:

Roadway classification: local minor collector major collector

minor arterial major arterial State facility

Has the required information been submitted? yes no

Type of mailbox assembly requested: standard custom-built

Type of mailbox assembly permitted: standard custom-built

Permit Application Approved and Permit Issued

Permit Application Rejected

Additional Information Needed

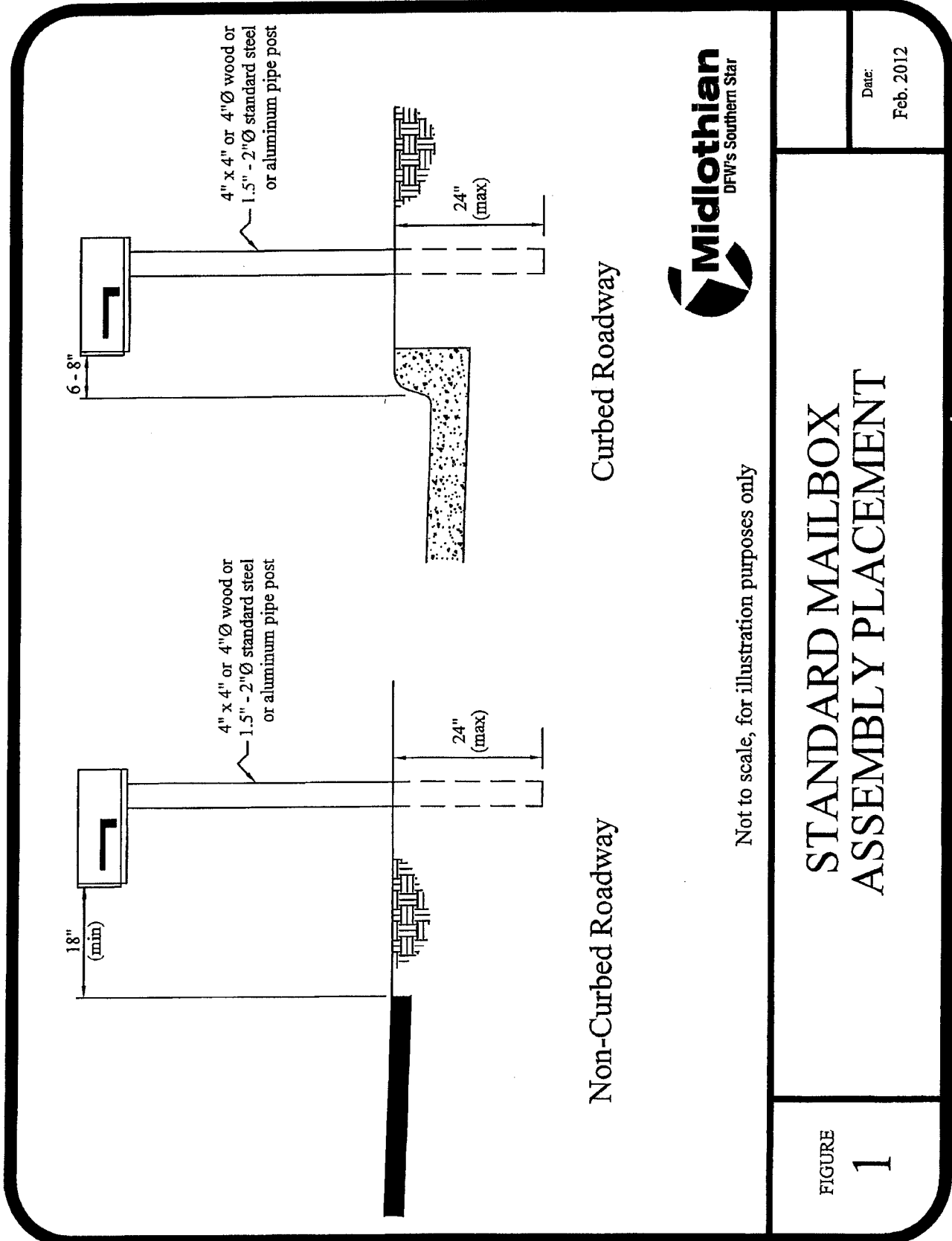
_____ (specify information)

Permit Administrator _____ Date _____

Mailbox Assembly Type Approved: standard custom-built

Comments: _____

THIS PERMIT IS VALID FOR SIX (6) MONTHS FROM DATE ISSUED AND WILL NEED TO BE RENEWED IF WORK IS NOT COMPLETED WITHIN THIS TIME FRAME



Non-Curbed Roadway

Curbed Roadway

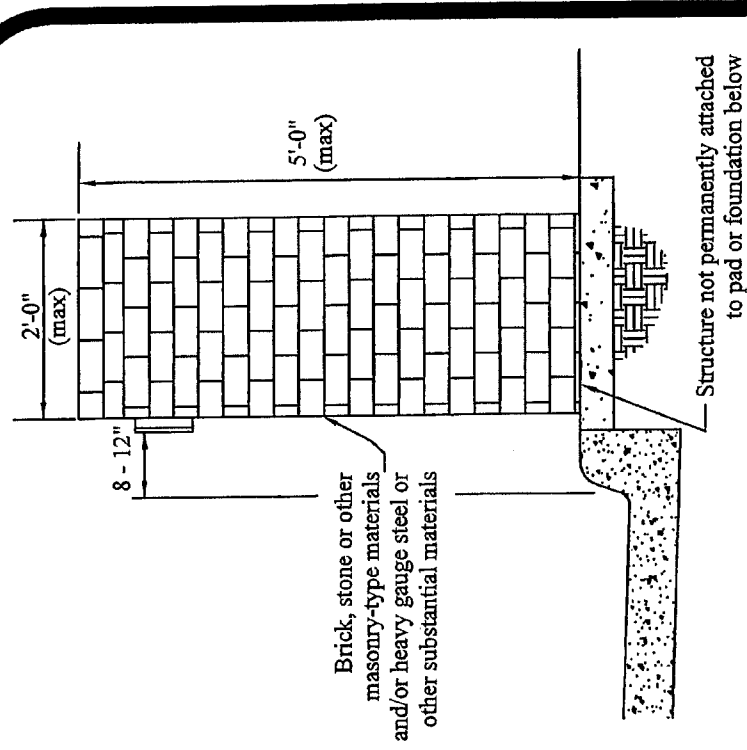
Not to scale, for illustration purposes only



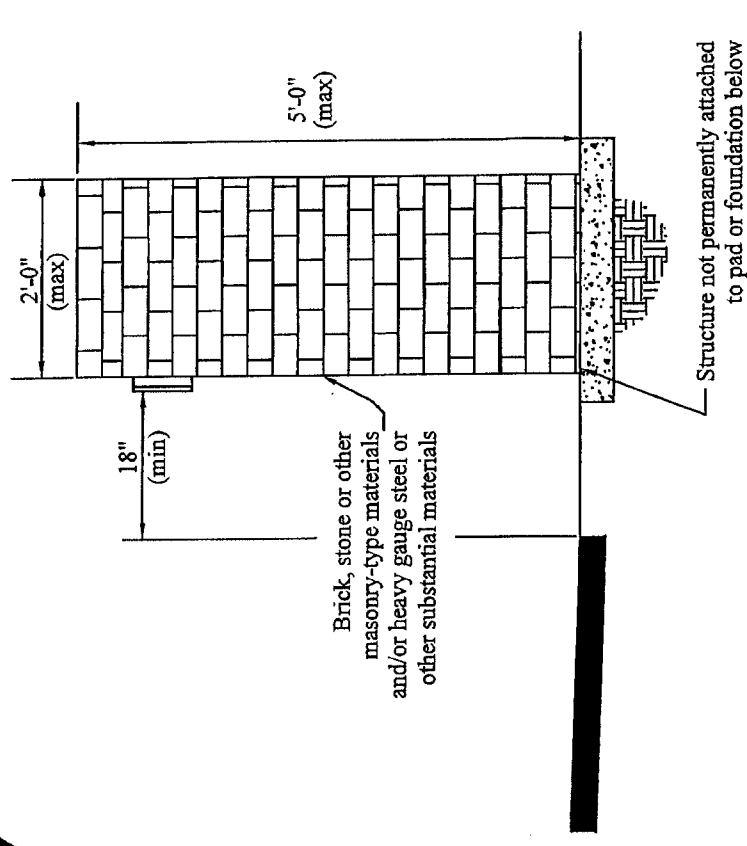
FIGURE
1

STANDARD MAILBOX ASSEMBLY PLACEMENT

Date:
Feb. 2012



Non-Curbed Roadway



Curbed Roadway



Not to scale, for illustration purposes only

CUSTOM-BUILT MAILBOX ASSEMBLY PLACEMENT

FIGURE

2

Date:
Feb. 2012