

RESOLUTION NO. 2010- 17

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
KIOWA COUNTY, KANSAS, PROHIBITING THE USE OF DESIGNATED
ROADWAYS AS THROUGH WAYS BY CERTAIN VEHICLES**

WHEREAS, K.S.A. 19-101a, and amendments thereto, provides that the Board of County Commissioners shall have home rule authority to legislate on matters of local concern; and

WHEREAS, K.S.A. 8-2002, and amendments thereto, authorizes the Board of County Commissioners to regulate and restrict the use of the highways within their jurisdiction; and

WHEREAS, K.S.A. 8-1912, and amendments thereto, authorizes the Board of County Commissioners to prohibit the operation of trucks or other commercial vehicles or impose limitations as to the weigh and size on designated highways; and

WHEREAS, the Board of County Commissioners has received information and heard recommendations from the Kiowa County Road and Bridge Supervisor concerning the use of certain designated county-maintained streets and roadways by through truck and commercial traffic; and

WHEREAS, the Board of County Commissioners, having been notified of the additional road maintenance caused by through truck and other commercial traffic on the roads referenced herein and the possible dangers caused by road deterioration and congestion; and

WHEREAS, the Board of County Commissioners, after discussion, have determined that the below referenced roads are not constructed to withstand and are not suitable for this type of through truck and other commercial traffic. It is in the best interests of public safety and is reasonable and advisable to restrict truck and other commercial traffic on the county roads referenced below.

WHEREAS, as used in this Resolution, the word "vehicle" means every device, or combination of devices, used for the transportation of any person or property upon a street or roadway.

NOW, THEREFORE, based upon all matters known and presented to it, the Board of County Commissioners finds and concludes as follows:

1. The below referenced roads are hereby determined to be unavailable for use by through truck and commercial traffic if the vehicle, or combination of vehicles, exceeds a registered gross vehicle weight of 24,000 pounds:
 - a. The road commonly known as Mullinville Blacktop North, but legally described as follows:
 - 10th Avenue Range 14265-19540
 - East Street Range 4265-4529
 - 11th Avenue Range 20000-21540
 - C. Street Range 5100-7527
 - b. The road commonly known as Mullinville Blacktop South, but legally described as follows:
 - 12th Avenue Range 3000-7439
 - 11th Avenue Range 7440-9536
 - O Street Range 4265-4528
 - 10th Avenue Range 10000-13340
 - c. The road commonly known as Northern Natural, but legally described as follows:
 - 17th Avenue Range 14000-23536
 - d. The road commonly known as City Service, but legally described as follows:

- 33rd Avenue Range 15256-23533
- e. The road commonly known as Haviland Blacktop, but legally described as follows:
 - 51st Avenue Range 16288-23597
 - f. The road commonly known as Belvidere Blacktop but legally described as follows:
 - 70th Road Range 3425-4640
 - West Dodge Avenue Range 100-229
 - East Dodge Avenue Range 100-410
 - T Street Range 27000-28370
 - 57th Avenue Range 5000-16112
 - g. South Main Street, Greensburg, Range 1200-1311
 - h. The road commonly known as Old Highway 54, but legally described as follows:
 - T. Street Range 9000-14528
 - i. The road commonly known as Fellsburg Road, but legally described as follows:
 - 43rd Avenue Range 15321-18250
 - j. The road commonly known as Brenham Blacktop but legally described as follows:
 - 39th Avenue Range 11000-15252
2. That truck or other commercial vehicles are only permitted on the above referenced roads if their initial origin or final destination is located within the jurisdiction of Kiowa County, Kansas.
3. Any person, firm, or corporation that violates the provisions of this Resolution is guilty of a public offense of violating a County Resolution as provided by K.S.A. 19-101(d) and upon conviction for such violation shall be fined an amount of Five Hundred Dollars (\$500.00) for each separate offense.
4. Appropriate traffic control signs shall be posted by the County at the entrance of each of the designated streets and roadways and in conspicuous locations along the designated streets and roadways. These signs shall serve as notice that use by through truck and commercial vehicles is prohibited. The notice will be as follows: THROUGH TRUCK AND COMMERCIAL VEHICLES PROHIBITED, \$500.00 FINE.
5. That the provisions of this resolutions shall be enforced pursuant to K.S.A. 19-101(d) and K.S.A. 19-101(e). The Kiowa County Sheriff is hereby authorized to patrol the above referenced county roads for enforcement of this resolution and is further authorized to issue citations for prosecution of persons violating this resolution in the District Court of Kiowa County, Kansas.
6. The prohibition of vehicle usage specified in paragraph two is specifically not applicable to vehicles which are engaged in any of the following:
- a. Emergency services by any fire, police, ambulance or other governmental service entity.
 - b. Farm tractors, combines, fertilizer dispensing equipment or machinery being transported to be used for terracing or soil or water conservation work upon farms, or other implements of husbandry temporarily moved upon a highway.
 - c. Vehicles which are owned by counties, cities or other political subdivisions specifically designed and equipped and used exclusively for garbage refuse or solid waste disposal operations.
 - d. Construction, repair, or maintenance of a public or governmental utility upon property located along or reasonable accessible only from the designated street or roadway.

- e. Construction, repair, or maintenance of streets or roadways by or under the direction of the County.
- f. Construction or the delivery of construction materials for a construction project authorized and permitted by the County located along or reasonable accessible only from the designated roadway, but only during normal construction hours for the duration of the project and subject to scheduling, when necessary, by authorized building inspectors.
- g. The delivery or carrying of goods, services, wares or other products to and from any location along or reasonably accessible only from the designated streets and roadways.
- h. The normal residential use of property located along or reasonably accessible only from the designated streets or roadways.

7. This is an ordinary home rule resolution and shall become effective upon its publication in the official newspaper of the County, and the prohibitions and restrictions provided in this resolution shall become effective, after publication, upon the posting of traffic control signs as required by this resolution.

Adopted this 20 day of September 2010.

**BOARD OF COUNTY COMMISSIONERS
OF KIOWA COUNTY, KANSAS**

Ron Freeman
Ron Freeman

Gene West
Gene West

Donall Richards
Don Richards

ATTEST:

Carmen Renfrow
Carmen Renfrow, County Clerk

