

Resolution No. 2020-11

**RESOLUTION RESTRICTING CERTAIN VEHICLE TRAFFIC ON A PORTION OF
MIDDLE CREEK ROAD**

A Resolution Restricting Vehicles licensed to a Declared Weight of Not More Than 54,000 pounds on a portion of Middle Creek Road

WHEREAS, Middle Creek Road from its eastern terminus at US 50 Highway to its intersection with the south junction of G-P Road (hereinafter “County Road”), is a paved county road that was not constructed to accommodate heavy vehicle loads; and

WHEREAS, state highways and other graveled roads are available alternate routes for heavy vehicles, which are generally constructed to higher weight standards and structural capacity to better accommodate such vehicles; and

WHEREAS, the Road Supervisor for the County has made an investigation, including consulting competent engineers, of the uses of said County Road, the condition of the road surface and the bridges thereof and has determined, and therefore recommends, that the Board of County Commissioners (“Board”) find County Road is wholly unsuited for heavy vehicle traffic, that County Road cannot sustain the heavy vehicle traffic that now uses said road, is heavily traveled and that appropriate restrictions should be placed upon designated vehicles traversing County Road; and

WHEREAS, the Board constitutes a “local authority” as contemplated by the Uniform Act Regulating Traffic as promulgated by Chapter 8 of Kansas Statutes Annotated; and

WHEREAS, K.S.A. 8-2001 authorizes the adoption of additional traffic regulations by local authorities that are not in conflict with the Uniform Act Regulating Traffic (K.S.A. 8-1401, et seq.) and pursuant to K.S.A. 8-2002(a)(2) local authorities may regulate traffic by means of “official traffic control devices” (such as signs); and

WHEREAS, K.S.A. 8-2002(a)(7) allows local authorities to regulate traffic in accordance with the terms of K.S.A. 8-1912; and

WHEREAS, K.S.A. 8-1912(c) allows vehicle restrictions based upon weight to be established; and

WHEREAS, K.S.A. 8-2002(a)(14) provides that local authorities may exercise reasonable police power in prohibiting or regulating the use of heavily traveled roads by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic; and

WHEREAS, K.S.A. 19-101a authorizes the Board to perform all powers of local legislation and administration, including exercise of its police power, as the Board deems appropriate and K.S.A. 19-212 *Ninth* authorizes the Board to perform such other duties respecting roads as may be provided by law; and

WHEREAS, the Board, being fully advised on the traffic recommendations and after careful consideration of the evidence as presented by the Road Supervisor, finds said recommendations to be in the best interest of the public.

NOW, THEREFORE, BE IT RESOLVED By the Board of County Commissioners of Chase County, Kansas, in regular session assembled in its Chambers at the seat of government thereof that the following traffic regulation is hereby established:

Section 1. Except as hereinafter excepted in Section 2, no vehicle with a license plate that registers a declared weight in excess of 54,000 pounds shall travel upon Middle Creek Road from its eastern terminus at US 50 Highway to its intersection with the south junction of G-P Road ("County Road") in Chase County, Kansas unless the driver of said vehicle shall have a destination that cannot be reached except by the said County Road.

Section 2. The prohibition of usage set forth in Section 1 aforesaid shall not apply to any vehicles engaged in any of the following:

1. Emergency services of any fire, law enforcement, ambulance, or other governmental service entity.
2. Construction, repair, or maintenance of a public or governmental utility upon property located along or reasonably accessible only from County Road.
3. Maintenance and construction of County Road.

Section 3. It shall be unlawful to use or to operate any restricted vehicle upon the roads listed in Section 1 except as allowed or permitted by this Resolution. Any person that violates the provisions of this Resolution, unless exempted as provided for herein, is guilty of a public offense for disobeying a traffic control device under K.S.A 8-1507, and shall be punishable upon conviction by a fine in an amount and in accordance with the provisions of K.S.A. 8-2118(c) and any amendments thereto. Nothing in this Resolution shall limit prosecution for exceeding any or all of the weight limits on County Road

Section 4. Appropriate traffic control signs providing notice that restricted vehicles are prohibited shall be posted by the Road Supervisor at each end of County Road.

Section 5. This is an ordinary home rule resolution and shall be effective upon publication once in the official County newspaper, and the prohibition and restrictions provided in this Resolution shall become effective, after publication, upon the posting of traffic control signs as required by this Resolution.

BE IT SO RESOLVED, *on this 31st day of August, 2020*

BOARD OF COUNTY COMMISSIONERS
OF CHASE COUNTY, KANSAS

Anthony Hazelton
Anthony Hazelton, Chairman

Absent
William Fillmore, Vice Chairman

Randy Talkington
Randy Talkington, Member

ATTEST:

Connie M. Pretzer
Connie M. Pretzer, County Clerk



APPROVED AS TO FORM:

William R. Halvorsen
William R. Halvorsen, County Attorney

(This Resolution was published on the _____ day of _____, 2020, in the Chase County Leader-News, the Official County Newspaper.)

Connie M. Pretzer
Connie Pretzer, County Clerk