

Resolution No. 2022-25-L

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF  
LABETTE 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 prohibit or regulate the use of heavily traveled streets and roads by any class or kind of traffic that is found incompatible with normal and safe movement of traffic; and

WHEREAS, K.S.A. 8-1912, and amendments thereto, authorizes the Board of County Commissioners to prohibit the operation of commercial trucks or other commercial vehicles on designated roadways.

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

1. The Kansas Department of Transportation (KDOT) is conducting a bridge replacement project on U.S. Highway 59 and U.S. Highway 160 in Labette County, Kansas. The bridge replacement project spans Labette Creek and is 5.69 miles northwest of Oswego, Kansas. Official KDOT detours and routes are posted online, but these detours will create substantial traffic issues moving materials by commercial truck on County roads, some of which are not suitable for truck traffic.
2. It is the expectation of the KDOT that the work should be completed and the new bridge open by the end of 2022, weather permitting.
3. Commercial truck traffic over the county-maintained streets and roadways contributes to accelerated wear and tear of the roadway surfaces which are not designed for truck traffic. In addition, portions of these streets and roadways are heavily used by automobile and other traffic and are not suitable or safe as high-speed transport ways for traffic.
4. It is in the best interests of the public safety and is reasonable and advisable to restrict the use of those portions of the following described County roads as through ways by commercial truck traffic and to reduce the speed of all traffic for public safety and the maintenance and well-being of the county roads.

**NOW THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Labette County, Kansas, that the following traffic regulation be and hereby is adopted:

**Section 1 – RESTRICTION OF SPEED ON CERTAIN COUNTY ROADS**

1. That the maximum speed limit on Rooks Road from its intersection with U.S. Highway 59/U.S. Highway 160 north to 16,500 Road shall be 30 miles per hour.

2. That the maximum speed limit on 16,500 Road to 18,000 Road and west to U.S. Highway 59/U.S. Highway 160 shall be 45 miles per hour.
3. That the maximum speed limit on 16,500 east to Trego Road shall be 45 miles per hour.
4. That the maximum speed limit from the intersection of Trego Road and 16,500 to 14,000 Road shall be 45 miles per hour.
5. That the maximum speed limit from the intersection of Rooks Road and 14,000 Road south to 4,000 Road shall be 45 mph.
6. That the maximum speed limit from the intersection of Wallace Road and 14,000 Road north to U.S. 400 Highway shall be 45 miles per hour.
7. That the maximum speed limit from the intersection of 12,000 Road and Rooks Road east to the city limits of Oswego, Kansas shall be 30 miles per hour.

**SECTION 2 – DESIGNATION OF STREET AND ROADWAY NOT FOR USE BY VEHICLES EXCEEDING CERTAIN REGISTERED GROSS VEHICLE WEIGHTS**

The following streets and roadways, located within the unincorporated area of Labette County, Kansas, are hereby determined and designated as streets and roadways not available for use by any commercial truck, commercial bus or any other similar motor vehicle.

<b><u>ROAD NAME</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>LENGTH</u></b>
Rooks Road	From the intersection of U.S. Highway 59/U.S. Highway 160 to 16,500 Road	2.5 miles
Rooks Road	From the intersection of 12,000 Road and Rooks Road east to the city limits of Oswego, Kansas	4.5 miles

**SECTION 3 - EXCEPTIONS:**

The prohibition of vehicle usage shall not be applicable to vehicles which are engaged in any of the following uses:

1. Emergency services by any fire, police, ambulance, or other governmental service entity including schools.
2. Construction, repair, or maintenance of a public or governmental utility upon property located along or reasonable accessible only from the designated street or roadway.
3. Construction, repair, or maintenance of streets or roadways by or under the direction of the County.
4. Construction or the delivery of construction materials for a construction project authorized and permitted by the County located along or reasonably accessible only from the designated street or roadway, but only during normal construction hours for the duration of the project and subject to scheduling, when necessary, by authorized building inspectors. This paragraph 4 shall not be interpreted to allow

vehicle usage of that portion of 95<sup>th</sup> Street designated in Section II above in connection with the quarry operations near that location.

5. 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.
6. The normal residential use of property located along or reasonably accessible only from the designated streets or roadways.
7. When detoured onto county roads by law enforcement for public safety.

#### **SECTION 4 - SPECIAL PERMITS**

A written special permit may be issued by the County Public Works authorizing, for good cause shown, the temporary operation of a vehicle exceeding the maximum permissible registered gross vehicle weight upon the streets and roadways designated above. Such permit shall be obtained through an application on forms prepared by the County Public Works Department. The County Public Works Director is authorized to issue or withhold any special permit at the County Public Works Director's discretion and, if such permit is issued, to limit the number of trips, and establish seasonal or other time limitations within which the permitted vehicle may be operated upon the street or roadway designated in the permit. The County Public Works Director may impose other reasonable limitations or impose conditions upon the applicant when necessary to protect the public welfare or assure against damage to the street and roadway. Every permit issued by the County Public Works Director shall be carried in the vehicle to which it refers and shall be displayed, upon request to any law enforcement officer or any authorized agent of Labette County. The County Public Works Director may establish a fee for each permit issued pursuant to this Resolution, such fee not to exceed \$125.00; provided, however, that no fee shall be charged to the state of Kansas, any city, county, or other political subdivision of the state. The issuance of a special permit shall not release the permittee or vehicle operator from liability for damage to the street or roadway caused by the permittee's or vehicle operator's use of the designated street or roadway.

#### **SECTION 5 - VIOLATION AND PENALTY**

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. 19-101d, and upon conviction for such violation shall be fined Five Hundred Dollars (\$500.00) for each separate offense.

#### **SECTION 6 - POSTING SIGNS**

Appropriate traffic control signs shall be posted by the County Public Works Department along and at the entrance to each of the designated streets and roadways as notice established by this Resolution.

#### **SECTION 7 - EFFECTIVE DATE**

This is 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 and upon the posting of traffic control signs as required by this Resolution.

PASSED, APPROVED AND ADOPTED by the Board of Commissioners, Labette County, Kansas this 28<sup>th</sup> day of March, 2022.

BOARD OF COUNTY COMMISSIONERS  
OF LABETTE COUNTY, KANSAS

ATTEST:

  
Gena Landis, County Clerk



  
Lonie R. Addis, Chairman

  
Terry Weidert, Commissioner

APPROVED AS TO FORM:

  
Brian K. Johnson  
Labette County Counselor

  
Cole J. Proehl, Commissioner