

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

WEDNESDAY, APRIL 14, 2010

4:00 p.m. – County Commission Meeting

-Convene

-Consider approval of the minutes of March 24, 2010.

CONSENT AGENDA

- (1) (a) Consider approval of Commission Orders;
- (b) Acquisition of easement for a bridge project 6.57N-19.50E (Michael Kelly)

REGULAR AGENDA

- (2) Review and Approve 7th Judicial District Juvenile Justice Authority Prevention, and Core Services Funding Application for FY 2011 (Pam Weigand)
- (3) Consider approving a resolution allowing issuance of annual permits for moving oversize/overweight loads on county roadways
- (4) Other Business
 - (a) Consider approval of Accounts Payable (if necessary)
 - (b) Appointments
 - (c) Miscellaneous
 - (d) Public Comment
- (5) Adjourn

SATURDAY, APRIL 17, 2010

10:00 A.M – 2:00 P.M. –Lecompton Township New Building Open House (621 N 1851 Diagonal Rd)

WEDNESDAY, APRIL 21, 2010

-4:00 P.M. MEETING ONLY

-Consider approval of a proclamation to declare the week of May 17-21 as “Bike to Work Week” and the month of May as “Bike Month” (Todd Girdler)

-Consider a proclamation to declare April 25 - May 2 as “Habitat Stewardship Week” and presentation (James Weaver)

-Consider and approve the Douglas County Community Corrections Comprehensive Plan and Budget for FY2011 (July 2010 thru June 2011) and presentation on budget cuts (Ron Stegall)

-5:30 P.M. – Joint Meeting with Lawrence City Commission/Douglas County Kaw Drainage District/Douglas County Commission at Lawrence City Hall

WEDNESDAY, APRIL 28, 2010

-Consider Fairgrounds CIP (Bill Woods)

Note: The Douglas County Commission meets regularly on Wednesdays at 4:00 P.M. for administrative items and 6:35 P.M. for public items at the Douglas County Courthouse. Specific regular meeting dates that are not listed above have not been cancelled unless specifically noted on this schedule.

MEMORANDUM

TO : Board of County Commissioners

FROM : Keith A. Browning, P.E., Director of Public Works
Michael D. Kelly, L.S., County Surveyor

DATE : April 2, 2010

RE : Drainage Structure Replacement; Bridge No. 6.57N – 19.50E
Acquisition of Easement; Consent agenda

A project has been designed to replace a deficient drainage structure located approximately two miles east of Vinland. Plans were developed in-house and negotiations with one of the two pertinent landowners for permanent easement are now complete.

Construction is planned for this summer and will be accomplished primarily using county personnel.

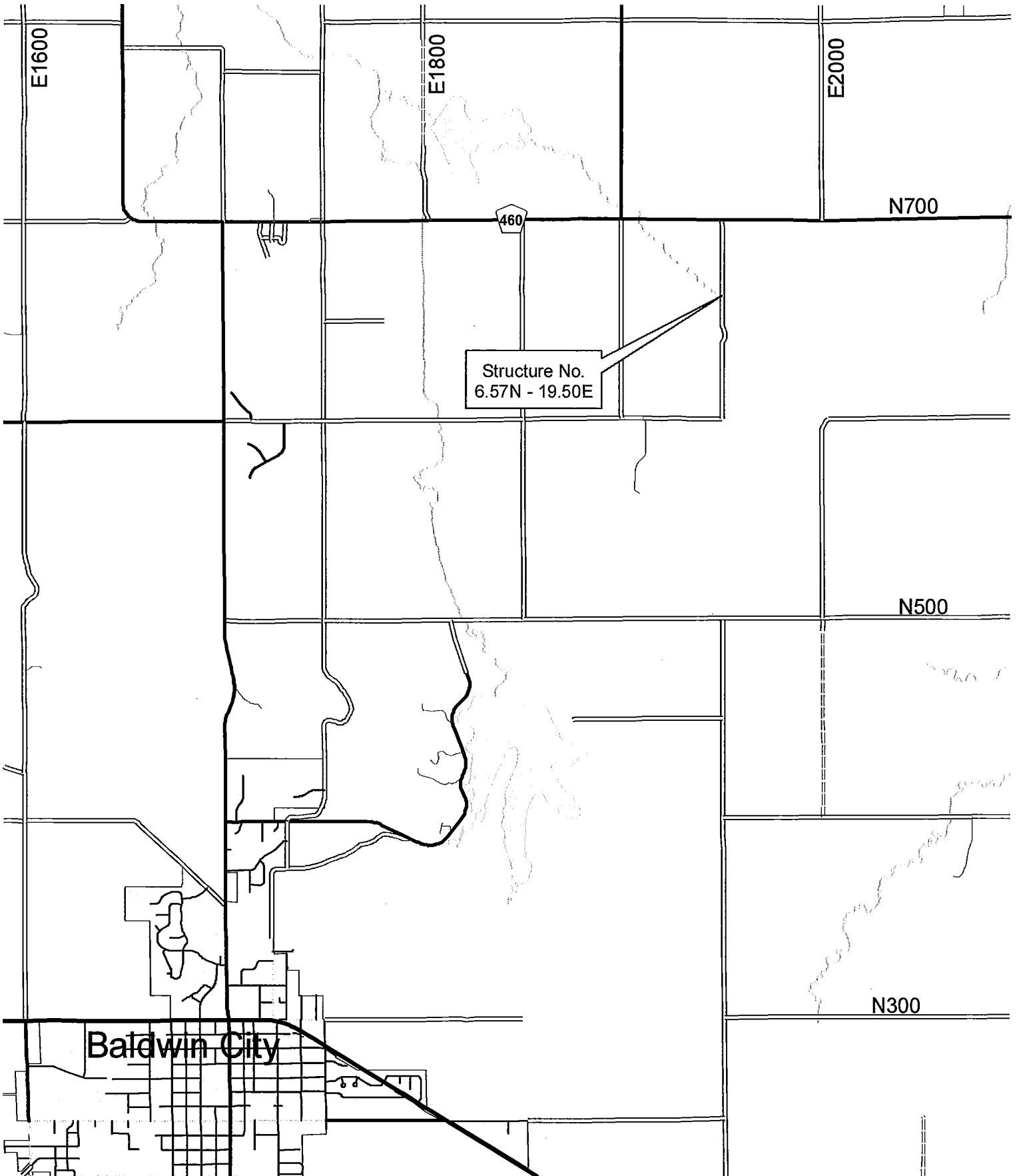
To ensure the proper completion of a necessary construction project approval is recommended for the attached CONTRACT FOR HIGHWAY PURPOSES.

ACTION REQUIRED: Consent agenda approval to authorize Nancy Thellman to affix her signature to the CONTRACT FOR HIGHWAY PURPOSES for Drainage Structure No. 6.57N – 19.50E.

Location Map

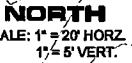
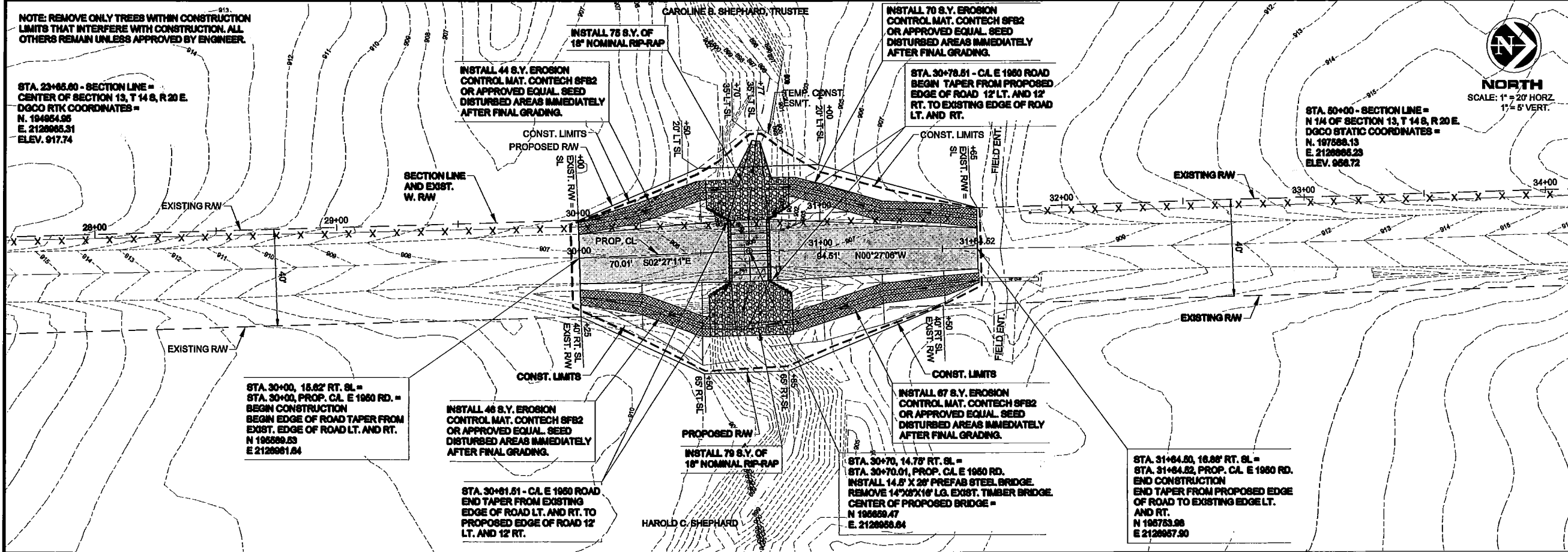


0.5 0.25 0 0.5 Miles



NOTE: REMOVE ONLY TREES WITHIN CONSTRUCTION LIMITS THAT INTERFERE WITH CONSTRUCTION. ALL OTHERS REMAIN UNLESS APPROVED BY ENGINEER.

STA. 23+65.00 - SECTION LINE = CENTER OF SECTION 13, T 14 S, R 20 E.
 DGCO RTK COORDINATES =
 N. 194854.95
 E. 212885.31
 ELEV. 917.74

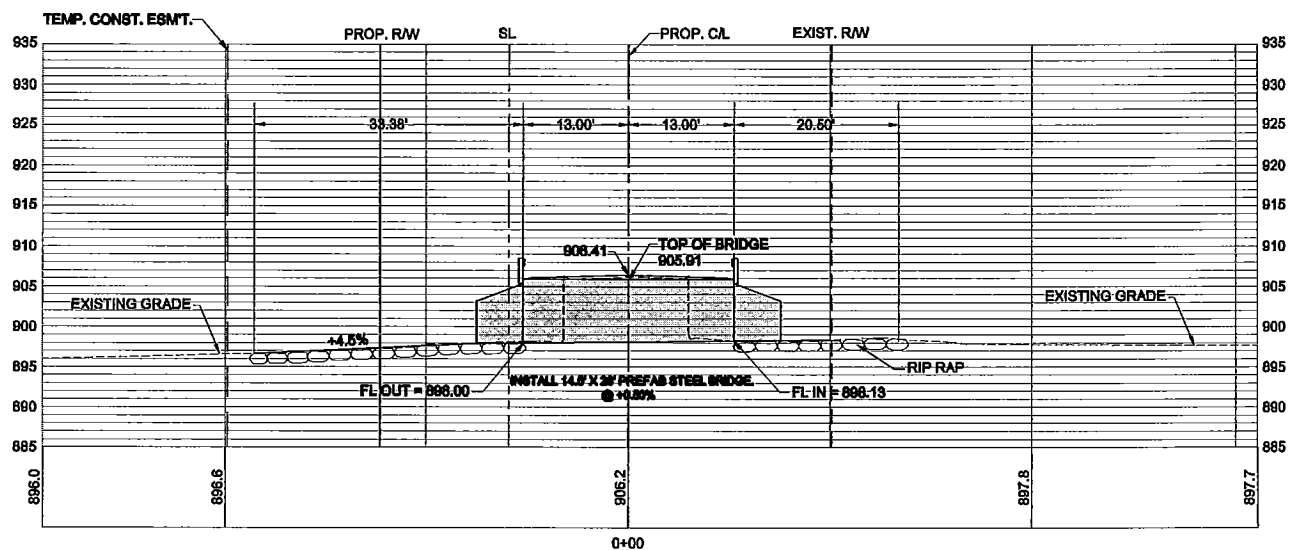


STA. 30+00 - SECTION LINE = N 14 OF SECTION 13, T 14 S, R 20 E.
 DGCO STATIC COORDINATES =
 N. 197588.13
 E. 212885.23
 ELEV. 916.72

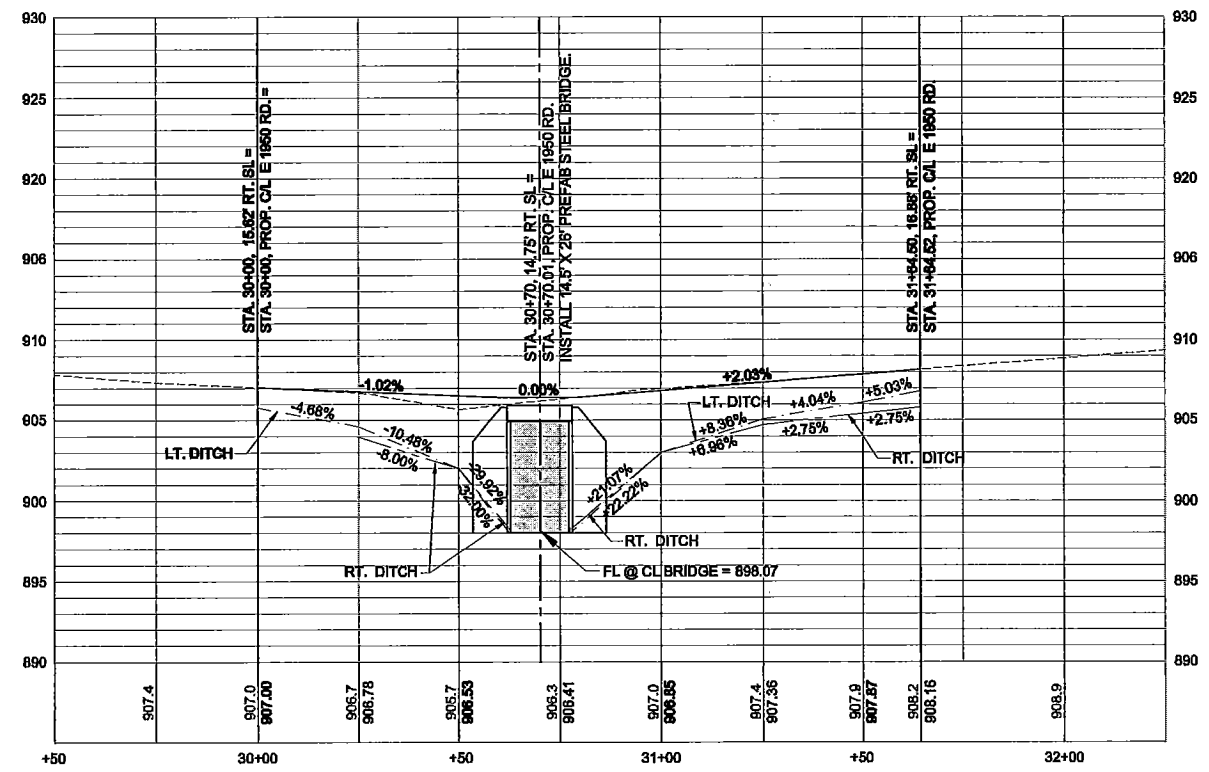
Douglas County Public Works
 1242 Massachusetts
 Lawrence, Kansas 66044



Project: ROAD RECONSTRUCTION AND DRAINAGE
 Project No.: 06571950
 Drawn By: L.A.
 Checked By: J.A.
 Date: 07/2008



CHANNEL PROFILE



ROAD PROFILE

ROAD AND CHANNEL PLAN
 AND PROFILE AND PROPOSED RW
 SHEET 3 OF 3

E 1950 RD. - PROJECT NO. 06571950
 STA. 30+00 TO STA. 31+64.52

MEMORANDUM

TO: Board of County Commissioners, Douglas County
Craig Weinaug, County Administrator

FROM: Pam Weigand, Youth Services Director

SUBJECT: Review and Approve 7th Judicial District Juvenile Justice Authority Prevention, and Core Services Funding Application for FY 2011.

DATE: April 7, 2010

As I have communicated with you previously the 7th Judicial District received a reduction in prevention funding in the amount of (\$37,889.00) for FY 2011. The total prevention funding for FY 2011 is \$79,969.00. The Core program and Tertiary Prevention funding for FY 2011 is \$612,288.00, the same as last year.

The Commissioner of JJA sent a memorandum to each Judicial District outlining the strategic use of the limited prevention funds. I have attached the memorandum for your review.

The Grant Review Committee and Douglas County Youth Services staff completed the initial grant review process for the Juvenile Corrections Advisory Board as they have in years past. The Grant Review Committee members participating were: Judy Culley, The Shelter, Inc.; Michelle Roberts, Chief Court Services Officer; Mark Simpson, Assistant District Attorney; Trudy Rice, Kansas State University; and Robert Suderman, JCAB Board Member.

The committee discussed the Commissioner's funding priorities with each of the grant applicants during their interviews on February 5, 2010. The Committee is recommending that five (5) local Prevention Programs receive **no** funding in FY 2011.

The applicant agencies were notified of the Committee's preliminary funding recommendations on February 17, 2010. An excel document outlining the grant review committees funding recommendations is attached for your review.

The funding recommendations will be reviewed by the Douglas County Juvenile Corrections Advisory Board at their next meeting on April 13, 2010.

**7th Judicial District Juvenile Justice Authority
Funding Request Summary FY 2011**

Program Number	Applicant Agency	Program	FY 2009 Awarded	FY 2010 Awarded	FY 2010 Actual	FY2011 Request
P107-1	Bert Nash Mental Health Center	Working to Recognize Alternative Possibilities	\$21,000.00	\$21,000.00	\$18,741.75	\$21,000.00
P107-2	Boys and Girls Club of Lawrence & Unified School District 497 (Lawrence)	After School Programming	\$37,772.00	\$37,772.00	\$33,710.15	\$47,124.00
P107-3	K.U. Center for Research Inc.	KU Truancy Prevention and Diversion Program	\$13,208.00	\$13,728.00	\$12,251.75	\$14,406.00
P107-5	Unified School District 348 (Baldwin)	Tutoring for Success(High School)	\$9,804.00	\$9,804.00	\$8,749.72	\$10,854.00
P107-6	Unified School District 348 (Baldwin)	Bulldog Den (Jr. High)	\$8,045.00	\$8,045.00	\$7,179.87	\$8,045.00
P107-7	Van Go Mobile Arts	Jobs in the Arts Make Sense (JAMS)	\$16,000.00	\$13,115.00	\$11,704.67	\$18,500.00
P107-9	Unified School District 348 (Baldwin)	Math & Reading Support (MARS) Baldwin Elementary	\$4,883.00	\$5,000.00	\$4,462.32	\$5,000.00
P107-10	Unified School District (Eudora)	RAMP Reading & Math Program Eudora West Elementary	\$4,800.00	\$4,332.00	\$3,866.15	\$4,332.00
P107-11	K.U. Center for Research Inc.	LHS Mentoring Initiative		\$5,062.00	\$4,517.65	\$21,300.00
Primary /Secondary Prevention Programs Sub Total			\$115,512.00	\$117,858.00	\$105,184.03	\$150,561.00
GS107-4	Big Brothers Big Sisters	Partnership with Youth	\$21,266.00	\$22,478.00	\$22,478.00	\$21,998.00
GS107-5	Douglas County Citizen Review Board	JO CRB	\$15,351.00	\$5,702.00	\$5,702.00	\$5,702.00
GS107-6	Community Living Opportunities	Family Enhancement	\$28,281.00	\$28,281.00	\$28,281.00	\$28,250.00
Jobs in the Arts Make Sense (JAMS)			see above	see above	see above	see above
Tertiary Prevention Programs Sub Total			\$43,632.00	\$56,461.00	\$56,461.00	\$55,950.00
GS107-1	The Shelter Inc.	Juvenile Intake and Assessment (JIAS)	\$165,615.00	\$170,583.00	\$180,307.56	\$170,583.00
GS107-2	Douglas County Youth Services	Juvenile Intensive Supervised Probation (JISP)	\$243,475.00	\$250,779.00	\$265,075.36	\$250,779.00
GS107-3	Douglas County Youth Services	JJA Case Management	\$129,280.00	\$133,159.00	\$140,750.10	\$133,159.00
Core Services Sub Total			\$538,370.00	\$554,521.00	\$586,133.02	\$554,521.00
7th JUDICIAL DISTRICT TOTAL			\$697,514.00	\$672,379.00	\$747,778.05	

FY 2011
Recommended Award
\$21,000.00
\$33,710.00
\$14,406.00
\$0.00
\$0.00
\$5,791.00
\$0.00
\$0.00
\$5,062.00
\$79,969.00
21,998.00
\$0.00
\$28,250.00
\$7,326.00
\$57,574.00
\$170,583.00
\$250,779.00
\$133,352.00
\$612,288.00
\$692,257.00

Available Prevention
Funding 2011

Available Core/Tertiary
Funding 2011

MEMORANDUM

To : Board of County Commissioners

From : Keith A. Browning, P.E., Director of Public Works/County Engineer

Date : April 9, 2010

Re : Consider amended oversize/overweight load permitting regulations

In November 2008, the BOCC adopted Resolution No. HR-08-11-03 establishing regulations for issuance of oversize/overweight load permits on County roads. This department has since received several inquiries about our issuing an annual permit, as opposed to a single trip permit. An annual permit would typically be for construction companies needing to move oversize equipment on county roadways for a local or regional project. The current regulations do not provide for an annual permit.

State regulations allow KDOT to issue annual permits. Loads must meet state regulations for size and weight to be eligible for an annual permit. The proposed County resolution and Rules & Regulations match the state size/weight requirements for annual permit eligibility.

The proposed resolution establishes a \$300 fee for an annual permit. Our fee for a single trip permit is \$50 base fee plus \$10 per mile. Please note these fees exceed those established by state statute for KDOT permits. KDOT charges \$150 for an annual permit, and \$20 to \$50, depending on size, for a single trip permit.

A resolution is attached amending the current regulations to allow issuance of an annual permit for moving oversize/overweight loads on county roads. Amended Rules & Regulations are also attached. Resolution No. HR-08-11-03 is also attached.

Action Required: Consider approving a resolution amending the County Code to allow issuance of annual permits for moving oversize/overweight loads on county roadways.

**RULES AND REGULATIONS
DOUGLAS COUNTY OVERSIZE/OVERWEIGHT PERMIT**

**DOUGLAS COUNTY, KANSAS
Department of Public Works
1242 Massachusetts Street
Lawrence, Kansas 66044
(785) 832-5293**

THE FOLLOWING ARE THE RULES AND REGULATIONS PERTAINING TO THE USE OF DOUGLAS COUNTY AND/OR TOWNSHIP ROAD(S) BY OVERSIZE/OVERWEIGHT VEHICLE AND/OR LOAD AS AUTHORIZED BY DOUGLAS COUNTY CODE SECTIONS 9-601, et seq.

1. SINGLE TRIP PERMIT REGULATIONS:

- a) Douglas County Department of Public Works must receive a fully completed application with \$50 base application fee not less than three (3) working days prior to proposed move date.
- b) Applicant must review proposed route before submitting application to Douglas County Public Works.
- c) Removal of vegetation, if required, must be approved prior to move date. For county route locations contact Mike Perkins, Operations Division Manager, at (785) 331-1330.
- d) Applicant must give advance notification to pertinent utility companies of move date and route as stated in K.S.A. 17-1916.
- e) Applicant must give advance notification to Douglas County Sheriff's Department and all pertinent fire departments, including townships and cities, of move route and schedule.
- f) Applicant must notify Douglas County Public Works, (785) 832-5293, immediately of any changes to move date. A new move date may be scheduled not less than twenty-four (24) hours in advance of the actual operation.
- g) Applicant must notify the Douglas County Sheriff Dispatch, (785) 843-0250, and Douglas County Operations, (785) 331-1330, 1 to 1 ½ hours before beginning move in Douglas County.
- h) No movement will be allowed on Saturday afternoons, Sundays, or holidays.
- i) All movement must be made in full daylight hours, after sunrise and before sunset.
- j) A \$1,000 certified check deposit is required prior to issuance of oversize/overweight permit.

2. ANNUAL PERMIT REGULATIONS:

- a) Douglas County Department of Public Works must receive a fully completed application with \$300 base application fee not less than three (3) working days prior to proposed first move date.
- b) All movement must be made in daylight hours, 30 minutes before sunrise to 30 minutes after sunset.
- c) Annual permit is for movement on Douglas County routes only. The annual permit holder must notify Douglas County Public Works, (785) 832-5293 one full workday in advance for verbal permission to move on township-maintained roads.
- d) No load posted bridges, culverts, or roads shall be traveled on or across under the annual permit without prior permission from Douglas County Public Works, (785) 832-5293.
- e) The following maximum dimensions and weights shall apply to annual permits. A single trip permit application must be submitted for vehicle/load combinations exceeding the following dimensions and/or weights.

(1) Dimensions:	
Width	16 feet, 6 inches
Length	126 feet
Height	15 feet
(2) Axle weights:	
Single, non-drive axle	22,000 pounds
Single, drive axle	24,000 pounds

Tandem	45,000 pounds
Triple	60,000 pounds
Quad or more	65,000 pounds
(3) Weight:	
Gross Weight	150,000 pounds

3. COMMON REGULATIONS:

- a) An oversize/overweight permit shall be carried in the permit vehicle. The permit shall be made available for inspection by any enforcement authority upon request. An enforcement authority may revoke a permit if the permit vehicle operator or permit holder violates the terms of the permit. For the operator of a permit vehicle, the effect of having a permit revoked is the same as operating without a permit. After revoking a permit, an enforcement authority may take enforcement action against the permit vehicle operator, the permit holder, or both.
- b) An oversize/overweight permit is not valid when visibility is reduced to one-half (1/2) mile or less by weather, dust, or smoke.
- c) An oversize/overweight permit is not valid when the road surface is slick because of snow, ice, slush, or frost.
- d) Any vehicle and/or load being moved shall not be left unattended while located in public right-of-way.
- e) When approached by any emergency vehicle, applicant shall immediately move far enough to one side of the roadway to allow sufficient clearance for the passage of such emergency vehicle.

ESCORT VEHICLES, WARNING FLAGS, AND WARNING SIGNS:

- f) A front and rear escort vehicle is required for vehicles/loads that exceed 14 feet in width or 90 feet in length.
- g) Escort by an enforcement agency (Sheriff, Highway Patrol, etc.) shall be considered supplemental escort and does not fulfill the requirements for an escort vehicle.
- h) Red or Orange warning flags shall be attached to all the corners of an excess size vehicle and/or load if the vehicle, load, or combination has a width greater than nine (9) feet.
- i) Warning signs must be displayed on the front of the permit vehicle and on the rear of the permit vehicle or load if the vehicle, load, or combination exceed legal length or a width of ten (10) feet. Warning signs shall have the legend "OVERSIZE LOAD" and be legible at 500 feet.

REMOVAL OF TRAFFIC CONTROL DEVICES:

- j. Traffic Control Devices may be temporarily removed immediately in advance of passage and no sooner. The permit holder shall provide adequate personnel for immediate replacement of Traffic Control Devices after passage. The permit holder shall be charged for the use of County Personnel and/or equipment to help with or correct the installation of Traffic Control Devices.
- k) Removal of any Traffic Control Device will require a pin flag to be installed to indicate where the Traffic Control Device was located. The pin flag is then to be removed when the Traffic Control Device is reinstalled.
- l) Installation of Traffic Control Devices shall conform to the latest edition of the "Manual on Uniform Traffic Control Devices".
- m) The removal of guardrail or bridge handrail will not be allowed.

INSURANCE AND DAMAGES:

- n) Douglas County will assume no liability for load carrying capacity of any bridges or roads, for which a permit has been issued. Applicant has sole responsibility for safe passage over roadways and structures through Douglas County.
- o) Each driver, vehicle and/or load shall be covered by insurance with a combined single limit of a minimum of \$500,000 for bodily injury and property damage. Such insurance shall cover any route preparation activities. Proof of insurance, including policy number and expiration date, shall be submitted prior to issuance of permit and such proof shall accompany the vehicle and/or load and person insured during movement in Douglas County.

p) Applicant has full responsibility for any damages caused to roads, signs, or bridges. The applicant shall pay to Douglas County and/or appropriate Township within 30 days, after notification of such, any damages in excess of the \$1,000 dollar deposit.

VARIANCES AND SPECIAL CONDITIONS:

q) Any variances and/or special conditions to the above regulations approved or required by the Director will be attached to the Permit.

APPROVED BY: _____

Keith A. Browning, P.E.
Director of Public Works/County Engineer

Date: ____/____/____

RESOLUTION NO. HR -- 10 -- _____

**A RESOLUTION REQUIRING PERMITS FOR OVERSIZE AND OVERWEIGHT VEHICLES;
DELEGATING PERMITTING AUTHORITY TO THE DIRECTOR OF PUBLIC WORKS; AND
PROVIDING FOR PENALTIES AND ENFORCEMENT.**

WHEREAS, K.S.A. 19-101a(a), and amendments thereto, authorize the Board of County Commissioners, hereinafter called "Board", subject to certain enumerated limitations, restrictions and prohibitions, to transact all County business and perform all powers of local legislation and administration it deems appropriate; and

WHEREAS, K.S.A. 17-1914 *et seq.* authorizes the County Clerk to administer a permit process involving vehicles and/or their loads with a height of 16 feet or more; and

WHEREAS, K.S.A. 12-3901 *et seq.* authorizes the Board to consolidate and transfer operations, procedures and functions of offices and agencies to more efficiently and effectively serve the needs of their constituents; and

WHEREAS, under state law the Board has jurisdiction and responsibility over certain roads and bridges in Douglas County; and

WHEREAS, individuals and/or businesses routinely request permission to utilize Douglas County roads and bridges for the transportation of oversize and/or overweight vehicles and/or loads; and

WHEREAS, K.S.A. 8-1911 authorizes the Board, with respect to highways under its jurisdiction, upon application and in its discretion, to issue a special permit authorizing the applicant to operate or move a vehicle or combination of vehicles, of a size or weight of vehicle or load exceeding the maximum specified under Article 19 of Chapter 8 of the Kansas Statutes Annotated, upon any highway under its jurisdiction and for the maintenance of which such party is responsible; and

WHEREAS, the Board and the County Clerk believe the authority to review and approve such routine requests should be transferred and assigned to the Director of the Douglas County Department of Public Works to better serve the public interest and to provide an orderly administrative procedure for the review and approval of such applications.

WHEREAS, by Resolution 08-11-3, the Board, with the County Clerks consent, has adopted regulations pursuant to the foregoing authority, which are codified at Section 9-601 through Section 9-618, inclusive, of the Douglas County Code, and the Board and County Clerk desire to amend and restate those regulations.

NOW THEREFORE, the Board of County Commissioners of Douglas County, Kansas, sitting in regular session and intending to exercise authority specifically granted by statute and its additional powers of home rule legislation pursuant to K.S.A. 19-101a, does hereby resolve as follows:

1. AMENDMENT TO PERMITTING REGULATIONS. The Board amends and restates Section 9-601 through Section 9-618, inclusive, of the Douglas County Code, as contained in Article 6 is added to Chapter 9 (Public Works) of the Douglas County Code, as follows:

ARTICLE 6. PERMITS FOR OVERSIZE OR OVERWEIGHT VEHICLES

- 9-601. **DEFINITIONS.** For purposes of this Article, the following terms have the following definitions:
- “Applicant” means a Person who applies for a Permit.
- “Application” means an application for a Permit, including an application pursuant to K.S.A. 8-1911, and amendments thereto, and K.S.A. 17-1915, and amendments thereto.
- “Board” means the Board of Douglas County Commissioners.
- “County Road” means any public road in the unincorporated areas of Douglas County, Kansas under the Board’s jurisdiction, including Township-maintained roads but excluding any highway under the jurisdiction of the Secretary of the Kansas Department of Transportation.
- “Director” means the Director of the Douglas County Department of Public Works or designee.
- “Permit” means a permit issued pursuant to this Article to operate or move an oversize vehicle on a County Road or bridge.
- “Person” means an individual, trust, trustee, limited liability company, corporation, partnership, and any other association or organization.
- “Trustee” means the Trustee of the applicable Township or designee.
- 9-602 **DESIRE TO EXERCISE POWERS.** The Board desires to exercise the powers conferred upon it by K.S.A. 8-1911, and amendments thereto, to issue or deny permits of oversize and overweight loads and, in addition, exercises its home rule authority to adopt additional regulations not inconsistent with K.S.A. 8-1911.
- 9-603 **TRANSFER AND DELEGATION OF PERMITTING AUTHORITY.** The Board finds that (i) the authority of the Douglas County Clerk to issue permits pursuant to K.S.A. 17-1915, and amendments thereto (to permit operation of vehicles having a height of 16 feet or more), and (ii) the authority of the Board to issue permits pursuant to K.S.A. 8-1911, and amendments thereto (to permit operation of oversize or overweight vehicles), both relating to public roads under the Board’s jurisdiction, can be more efficiently and effectively exercised by the Director, and the Board hereby transfers and delegates such permitting authority to the Director. The Douglas County Clerk and other Douglas County offices shall forward any such applications to the Director and the Director shall handle such applications in accordance with this Article.
- 9-604 **UNLAWFUL USE OF PUBLIC ROADS.** It shall be unlawful to operate or move on a County Road, or for the owner or lessee to cause or knowingly permit to be operated or moved, a vehicle or combination of vehicles if the vehicle or combination of vehicles is of a size or weight of vehicle or load exceeding the

maximum specified under Article 19 of Chapter 8 of the Kansas Statutes Annotated, and amendments thereto, or of a height exceeding the maximum specified at K.S.A. 17-1914, and amendments thereto, without first receiving a Permit for such operation. The Permit may be for a single trip or for annual operation. Further, it shall be unlawful to violate the terms and conditions, or for the owner or lessee to cause or knowingly permit the violation of the terms and conditions, of any Permit issued pursuant to this Article, including but not limited to failing to follow the permitted route on the permitted date.

- 9-605 APPLICATION FOR PERMIT. Before operating or moving a vehicle or combination of vehicles of a size or weight for which a Permit is required under Section 9-604, or before the owner or lessee causes or knowingly permits any such operation or move, an Application shall be filed with the Director to permit such operation or move. The Director shall review the Application for the possible need for professional consultation, and, if deemed necessary by the Director, shall inspect each route/location for which such approval is requested, and, if determined appropriate, approve the issuance of a Permit therefor, with such terms and conditions as the Director determines appropriate. The Director shall take reasonable effort to accommodate the needs of each Applicant while at the same time considering the continued integrity and safety of County Roads and bridges. An Application may be denied upon the Director's determination that the granting of the Permit would compromise the integrity or safety of County Roads.
- 9-606 TOWNSHIP-MAINTAINED ROADS. If the Director determines that any Application includes a route/location involving the use of Township-maintained roads, the Director shall forward such Application or otherwise communicate the information from such Application to the Trustee of the appropriate Township. The Trustee shall review such Application, inspect each route/location for which such approval is requested, and make a recommendation to the Director to issue or deny a Permit for such route/location, with or without conditions. The Trustee should take reasonable effort to accommodate the needs of each Applicant while at the same time considering the continued integrity and safety of the applicable Township-maintained County Road. The Trustee's involvement is in an advisory role. Only the Director may issue the Permit.
- 9-607 PROFESSIONAL CONSULTATION. The Director is authorized and has sole discretion to utilize professional consultants for all or any portion of the review of an Application. When the Director determines professional consultation is necessary, the Applicant shall deposit an amount that the Director estimates as compensation for professional consultation. The Director shall then retain the professional consultant on the matters the Director determines necessary. If the deposited amount is greater than the actual consultation fee, the overage shall be refunded to the Applicant upon Permit issuance or denial. If the deposited amount is less than the actual consultation fee, the underage shall be paid by the Applicant prior to Permit issuance.
- 9-608 PERMIT TERMS AND CONDITIONS; PERMIT DURATION AND FREQUENCY OF USE. Any Person operating or moving a vehicle or combination of vehicles pursuant to a Permit shall comply with all provisions of this Article and all terms and conditions of the Permit. Term of the Permit shall be 14 calendar days from

the issuance date of the Permit. The Director may extend a Permit term for just cause. Term of the annual Permit shall be 365 calendar days from the issuance date of the Permit.

9-609 APPLICATION PROCESS AND INFORMATION TO BE SUBMITTED. The Director shall determine procedural matters for submitting an Application and issuance of a Permit based on the following general guidelines. The Director shall develop such forms and standards as the Director determines necessary for the issuance of Permits pursuant to this Article. At a minimum, the Application shall contain details on the vehicle or combination of vehicles, load or cargo, requested route, and the requested date of the operation or move. The Applicant shall provide any additional information the Director determines necessary. Absent exigent circumstances, the Application, together with the Application fee, proof of required insurance, and all other required documentation shall be submitted no later than 3 days prior to the requested date for the Permit.

9-610 APPLICATION FEE. The Application fee for a single trip Permit is based on the following guidelines.

Base fee \$ 50.00
Additional fee based on travel length on
County Roads \$ 10.00 per mile
Professional consultation fee, if required..... As estimated

The base fee is not refundable, even if a single trip Permit is not issued.

The Application fee for an annual Permit is based on the following guidelines.

Base fee.....\$300.00
Professional consultation fee, if required As estimated

9-611 APPLICANT RESPONSIBILITY AND SECURITY DEPOSIT. The Applicant shall be personally responsible for any and all damage occurring as a result of the permitted activity. Prior to issuance of any single trip Permit, the Applicant shall deposit with the Director a certified cashier's check or other official check in the amount of \$1,000.00, payable to Douglas County. If the Director determines a proposed permitted activity poses greater risk of damage to County Roads and bridges than routine transportation of oversize and/or overweight vehicles and/or loads, the Director may condition issuance of a Permit upon provision of a larger deposit. A security deposit will not be required for issuance of an annual Permit.

The Applicant shall replace any traffic control or directional signs moved to allow for the load to pass **IMMEDIATELY UPON PASSAGE OF THE LOAD.**

Upon completion of the move, the Director shall, if deemed necessary by the Director, inspect the route/location and determine the extent of any damage caused. The Director shall notify the Applicant of any such damage. The Applicant shall cause such damage to be repaired within 48 hours if the damage is of a type the Director permits third-parties to repair. Failure to repair any damage shall be a violation of this Article and is subject to the penalties contained herein.

If the Applicant fails or refuses to repair such damage or if the damage is of the type the Director does not permit third-parties to repair, the Director shall cause such damage to be repaired. The cost of repairs shall be deducted from any funds deposited by the Applicant and the balance shall be refunded. If the cost of repairs exceeds any funds deposited, the Applicant shall pay the County and/or Township the amount of the excess within 30 days of the date the Director mails notice to the Applicant of the excess.

9-612 APPLICANT INSURANCE AND PROOF THEREOF. The Applicant, driver(s), vehicle(s) and/or load(s) thereon shall carry liability insurance in the following amounts:

- a. Housetrailers, manufactured homes, and mobile homes not exceeding 16 ½ feet in width: insurance amount as provided by K.S.A. 8-1911(h)(3), and amendments thereto;
- b. All others: combined single limit of a minimum of \$500,000.00 for bodily injury and property damage.

Proof of insurance shall be provided to the Director prior to issuance of a Permit and such proof of insurance shall accompany the vehicle, item, and/or person insured during any activity permitted.

9-613 PERMIT DISPLAY. Any Permit issued pursuant to this Article shall be present and available for inspection by any law enforcement officer or other authorized agent, as designated by the Director or Trustee, during all activities permitted. Any sticker or decal issued with the Permit shall be displayed on the load and/or vehicle in a manner the Director directs.

9-614 TRAFFIC CONTROL. Applicants and other holders of Permits shall comply in all respects with the latest edition and addenda of the "Manual on Uniform Traffic Control Devices" and any other requirements the Director determines necessary, and shall pay for all costs thereof.

9-615 PENALTY. Any Person who fails to comply with the provisions of this Article, including violation of terms and conditions of a Permit when operating a vehicle pursuant to a Permit, shall be guilty of a Class C misdemeanor and subject to the maximum penalties prescribed by Chapter 21 of the Kansas Statutes Annotated for conviction of a Class C misdemeanor and, in addition, subject to an action brought by the Board or the Director enjoining such violation pursuant to the provisions of K.S.A. 19-101d, and amendments thereto, and/or penalties provided for violations of Article 19 of Chapter 8 of the Kansas Statutes Annotated, and amendments thereto. Any Person who violates the provisions of this Article a second time within 12 months of a previous violation shall be guilty of a Class B misdemeanor and subject to the maximum penalties prescribed by Chapter 21 of the Kansas Statutes Annotated for conviction of a Class B misdemeanor. If the Director determines any Person has not complied with the provisions of this Article and the rules and regulations of the Director relating thereto, the Director may revoke any annual Permit, if applicable, and may withdraw the privilege of such Person from receiving additional Permits in the

future. Any Person who fails to comply with the provisions of this Article and is apprehended during an unauthorized activity shall: 1) immediately cease all unauthorized activity; 2) be issued a citation, notice to appear, or warrant by a law enforcement officer; and 3) apply for a Permit, as provided by this Article.

- 9-616 TYPICAL VEHICLES AND LOADS INCLUDED. Typical vehicles and/or loads covered by this Article include, but are not limited to, the following: Any vehicle, trailer or load with a width greater than 8 1/2 feet; any vehicle, trailer or load with a height greater than 14 feet; and any vehicle, trailer or load with the weight on any wheel exceeding 10,000 pounds. Examples are: hauled construction vehicles; houses being relocated; and house trailers, manufactured homes, or mobile homes. Vehicle/load combinations must meet the requirements of K.A.R. 36-1-37(a), as amended, to be eligible for movement under an annual permit.
- 9-617 EXEMPTIONS. The following vehicles and/or loads are exempted from the provisions of this Article: Farm tractors, combines, fertilizer dispensing equipment or other farm machinery, or machinery being transported to be used for terracing or soil or water conservation work upon farms; and vehicles owned by counties, cities and other political subdivisions of Kansas, except this Section shall not exempt trucks owned by counties, cities and other political subdivisions specifically designed and equipped and used exclusively for garbage, refuse or solid waste disposal operations from the maximum gross weight limitations contained in the table in K.S.A. 8-1909, and amendments thereto.
- 9-618 ADDITIONAL POWERS, RULES, AND REGULATIONS. The Director is authorized to establish and enforce such additional rules and regulations necessary for the orderly administration of this Article. Without limiting the scope of the Director's authority in establishing and enforcing rules and regulations to administer this Article, the Director is authorized to adopt rules and regulations generally restricting annual permit holders to the use of County routes and limiting the dimensions, weights, and types of vehicle/load combinations eligible for an annual Permit. The violation of any such rule or regulation shall constitute a violation of this Article.

2. REPEAL OF PRIOR PROVISIONS. Resolution 08-11-3_, together with Section 9-601 through 9-618, inclusive, of the Douglas County Code, as existing prior to the effective date of this Resolution, are repealed.

3. EFFECTIVE DATE. This Resolution shall take effect and be in force from and after its adoption and publication once in the official County newspaper.

IN WITNESS WHEREOF, this Resolution was adopted this ____ day of _____, 2010.

BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, KANSAS:

Nancy Thellman, Chair

Mike Gaughan, Member

Jim Flory, Member

ATTEST:

Jameson D. Shew, Douglas County Clerk

Pursuant to K.S.A. 12-3903(c), Jameson D. Shew, Douglas County Clerk, consents to the transfer the K.S.A. 17-1914 *et seq.* permitting authority (for vehicles and/or their loads with a height of 16 feet or more) from the Douglas County Clerk to the Douglas County Department of Public Works.

Jameson D. Shew, Douglas County Clerk

RESOLUTION NO. HR- 08-11-3

A RESOLUTION REQUIRING PERMITS FOR OVERSIZE AND OVERWEIGHT VEHICLES;
DELEGATING PERMITTING AUTHORITY TO THE DIRECTOR OF PUBLIC WORKS; AND
PROVIDING FOR PENALTIES AND ENFORCEMENT.

WHEREAS, K.S.A. 19-101a(a), and amendments thereto, authorize the Board of County Commissioners, hereinafter called "Board", subject to certain enumerated limitations, restrictions and prohibitions, to transact all County business and perform all powers of local legislation and administration it deems appropriate; and

WHEREAS, K.S.A. 17-1914 *et seq.* authorizes the County Clerk to administer a permit process involving vehicles and/or their loads with a height of 16 feet or more; and

WHEREAS, K.S.A. 12-3901 *et seq.* authorizes the Board to consolidate and transfer operations, procedures and functions of offices and agencies to more efficiently and effectively serve the needs of their constituents; and

WHEREAS, under state law the Board has jurisdiction and responsibility over certain roads and bridges in Douglas County; and

WHEREAS, individuals and/or businesses routinely request permission to utilize Douglas County roads and bridges for the transportation of oversize and/or overweight vehicles and/or loads; and

WHEREAS, K.S.A. 8-1911 authorizes the Board, with respect to highways under its jurisdiction, upon application and in its discretion, to issue a special permit authorizing the applicant to operate or move a vehicle or combination of vehicles, of a size or weight of vehicle or load exceeding the maximum specified under Article 19 of Chapter 8 of the Kansas Statutes Annotated, upon any highway under its jurisdiction and for the maintenance of which such party is responsible; and

WHEREAS, the Board and the County Clerk believe the authority to review and approve such routine requests should be transferred and assigned to the Director of the Douglas County Department of Public Works to better serve the public interest and to provide an orderly administrative procedure for the review and approval of such applications.

NOW THEREFORE, the Board of County Commissioners of Douglas County, Kansas, sitting in regular session and intending to exercise authority specifically granted by statute and its additional powers of home rule legislation pursuant to K.S.A. 19-101a, does hereby resolve as follows:

1. ADOPTION OF PERMITTING REGULATIONS. The following Article 6 is added to Chapter 9 (Public Works) of the Douglas County Code:

ARTICLE 6. PERMITS FOR OVERSIZE OR OVERWEIGHT VEHICLES

9-601. DEFINITIONS. For purposes of this Article, the following terms have the following definitions:

“Applicant” means a Person who applies for a Permit.

“Application” means an application for a Permit, including an application pursuant to K.S.A. 8-1911, and amendments thereto, and K.S.A. 17-1915, and amendments thereto.

“Board” means the Board of Douglas County Commissioners.

“County Road” means any public road in the unincorporated areas of Douglas County, Kansas under the Board’s jurisdiction, including Township-maintained roads but excluding any highway under the jurisdiction of the Secretary of the Kansas Department of Transportation.

“Director” means the Director of the Douglas County Department of Public Works or designee.

“Permit” means a permit issued pursuant to this Article to operate or move an oversize vehicle on a County Road or bridge.

“Person” means an individual, trust, trustee, limited liability company, corporation, partnership, and any other association or organization.

“Trustee” means the Trustee of the applicable Township or designee.

9-602 DESIRE TO EXERCISE POWERS. The Board desires to exercise the powers conferred upon it by K.S.A. 8-1911, and amendments thereto, to issue or deny permits of oversize and overweight loads and, in addition, exercises its home rule authority to adopt additional regulations not inconsistent with K.S.A. 8-1911.

9-603 TRANSFER AND DELEGATION OF PERMITTING AUTHORITY. The Board finds that (i) the authority of the Douglas County Clerk to issue permits pursuant to K.S.A. 17-1915, and amendments thereto (to permit operation of vehicles having a height of 16 feet or more), and (ii) the authority of the Board to issue permits pursuant to K.S.A. 8-1911, and amendments thereto (to permit operation of oversize or overweight vehicles), both relating to public roads under the Board’s jurisdiction, can be more efficiently and effectively exercised by the Director, and the Board hereby transfers and delegates such permitting authority to the Director. The Douglas County Clerk and other Douglas County offices shall forward any such applications to the Director and the Director shall handle such applications in accordance with this Article.

9-604 UNLAWFUL USE OF PUBLIC ROADS. It shall be unlawful to operate or move on a County Road, or for the owner or lessee to cause or knowingly permit to be operated or moved, a vehicle or combination of vehicles if the vehicle or combination of vehicles is of a size or weight of vehicle or load exceeding the maximum specified under Article 19 of Chapter 8 of the Kansas Statutes Annotated, and amendments thereto, or of a height exceeding the maximum specified at K.S.A. 17-1914, and amendments thereto, without first receiving a Permit for such operation. Further, it shall be unlawful to violate the terms and conditions, or for the owner or lessee to cause or knowingly permit the violation of the terms and conditions, of any Permit issued pursuant to this Article,

including but not limited to failing to follow the permitted route on the permitted date.

- 9-605 **APPLICATION FOR PERMIT.** Before operating or moving a vehicle or combination of vehicles of a size or weight for which a Permit is required under Section 9-604, or before the owner or lessee causes or knowingly permits any such operation or move, an Application shall be filed with the Director to permit such operation or move. The Director shall review the Application for the possible need for professional consultation, and shall inspect each route/location for which such approval is requested, and, if determined appropriate, approve the issuance of a Permit therefor, with such terms and conditions as the Director determines appropriate. The Director shall take reasonable effort to accommodate the needs of each Applicant while at the same time considering the continued integrity and safety of County Roads and bridges. An Application may be denied upon the Director's determination that the granting of the Permit would compromise the integrity or safety of County Roads.
- 9-606 **TOWNSHIP-MAINTAINED ROADS.** If the Director determines that any Application includes a route/location involving the use of Township-maintained roads, the Director shall forward such Application or otherwise communicate the information from such Application to the Trustee of the appropriate Township. The Trustee shall review such Application, inspect each route/location for which such approval is requested, and make a recommendation to the Director to issue or deny a Permit for such route/location, with or without conditions. The Trustee should take reasonable effort to accommodate the needs of each Applicant while at the same time considering the continued integrity and safety of the applicable Township-maintained County Road. The Trustee's involvement is in an advisory role. Only the Director may issue the Permit.
- 9-607 **PROFESSIONAL CONSULTATION.** The Director is authorized and has sole discretion to utilize professional consultants for all or any portion of the review of an Application. When the Director determines professional consultation necessary, the Applicant shall deposit an amount that the Director estimates as compensation for professional consultation. The Director shall then retain the professional consultant on the matters the Director determines necessary. If the deposited amount is greater than the actual consultation fee, the overage shall be refunded to the Applicant upon Permit issuance or denial. If the deposited amount is less than the actual consultation fee, the underage shall be paid by the Applicant prior to Permit issuance.
- 9-608 **PERMIT TERMS AND CONDITIONS; PERMIT DURATION AND FREQUENCY OF USE.** Any Person operating or moving a vehicle or combination of vehicles pursuant to a Permit shall comply with all provisions of this Article and all terms and conditions of the Permit. Term of the Permit shall be 14 calendar days from the issuance date of the Permit. The Director may extend a Permit term for just cause.
- 9-609 **APPLICATION PROCESS AND INFORMATION TO BE SUBMITTED.** The Director shall determine procedural matters for submitting an Application and issuance of a Permit based on the following general guidelines. The Director shall develop such forms and standards as the Director determines necessary for

the issuance of Permits pursuant to this Article. At a minimum, the Application shall contain details on the vehicle or combination of vehicles, load or cargo, requested route, and the requested date of the operation or move. The Applicant shall provide any additional information the Director determines necessary. Absent exigent circumstances, the Application, together with the Application fee, proof of required insurance, and all other required documentation shall be submitted no later than 3 days prior to the requested date for the Permit.

9-610 APPLICATION FEE. The Application fee is based on the following guidelines.

Base fee \$ 50.00
Additional fee based on travel length on
County Roads \$ 10.00 per mile
Professional consultation fee, if required..... As estimated

The base fee is not refundable, even if a Permit is not issued.

9-611 APPLICANT RESPONSIBILITY AND SECURITY DEPOSIT. The Applicant shall be personally responsible for any and all damage occurring as a result of the permitted activity. Prior to issuance of any Permit, the Applicant shall deposit with the Director a certified cashier's check or other official check in the amount of \$1,000.00, payable to Douglas County. If the Director determines a proposed permitted activity poses greater risk of damage to County Roads and bridges than routine transportation of oversize and/or overweight vehicles and/or loads, the Director may condition issuance of a Permit upon provision of a larger deposit.

The Applicant shall replace any traffic control or directional signs moved to allow for the load to pass **IMMEDIATELY UPON PASSAGE OF THE LOAD.**

Upon completion of the move, the Director shall inspect the route/location and determine the extent of any damage caused. The Director shall notify the Applicant of any such damage. The Applicant shall cause such damage to be repaired within 48 hours if the damage is of a type the Director permits third-parties to repair. Failure to repair any damage shall be a violation of this Article and is subject to the penalties contained herein.

If the Applicant fails or refuses to repair such damage or of the damage is of the type the Director does not permit third-parties to repair, the Director shall cause such damage to be repaired. The cost of repairs shall be deducted from the funds deposited by the Applicant and the balance shall be refunded. If the cost of repairs exceeds the funds deposited, the Applicant shall pay the County and/or Township the amount of the excess within 30 days of the date the Director mails notice to the Applicant of the excess.

9-612 APPLICANT INSURANCE AND PROOF THEREOF. The Applicant, driver(s), vehicle(s) and/or load(s) thereon shall carry liability insurance in the following amounts:

- a. Housetrailers, manufactured homes, and mobile homes not exceeding 16 ½ feet in width: insurance amount as provided by

K.S.A. 8-1911(h)(3), and amendments thereto;

- b. All others: combined single limit of a minimum of \$500,000.00 for bodily injury and property damage.

Proof of insurance shall be provided to the Director prior to issuance of a Permit and such proof of insurance shall accompany the vehicle, item, and/or person insured during any activity permitted.

- 9-613 PERMIT DISPLAY. Any Permit issued pursuant to this Article shall be present and available for inspection by any law enforcement officer or other authorized agent, as designated by the Director or Trustee, during all activities permitted. Any sticker or decal issued with the Permit shall be displayed on the load and/or vehicle in a manner the Director directs.
- 9-614 TRAFFIC CONTROL. Applicants and other holders of Permits shall comply in all respects with the latest edition and addenda of the "Manual on Uniform Traffic Control Devices" and any other requirements the Director determines necessary, and shall pay for all costs thereof.
- 9-615 PENALTY. Any Person who fails to comply with the provisions of this Article, including violation of terms and conditions of a Permit when operating a vehicle pursuant to a Permit, shall be guilty of a Class C misdemeanor and subject to the maximum penalties prescribed by Chapter 21 of the Kansas Statutes Annotated for conviction of a Class C misdemeanor and, in addition, subject to an action brought by the Board or the Director enjoining such violation pursuant to the provisions of K.S.A. 19-101d, and amendments thereto, and/or penalties provided for violations of Article 19 of Chapter 8 of the Kansas Statutes Annotated, and amendments thereto. Any Person who violates the provisions of this Article a second time within 12 months of a previous violation shall be guilty of a Class B misdemeanor and subject to the maximum penalties prescribed by Chapter 21 of the Kansas Statutes Annotated for conviction of a Class B misdemeanor. If the Director determines any Person has not complied with the provisions of this Article and the rules and regulations of the Director relating thereto, the Director may withdraw the privilege of such Person from receiving additional Permits in the future. Any Person who fails to comply with the provisions of this Article and is apprehended during an unauthorized activity shall: 1) immediately cease all unauthorized activity; 2) be issued a citation, notice to appear, or warrant by a law enforcement officer; and 3) apply for a Permit, as provided by this Article.
- 9-616 TYPICAL VEHICLES AND LOADS INCLUDED. Typical vehicles and/or loads covered by this Article include, but are not limited to, the following: Any vehicle, trailer or load with a width greater than 8 1/2 feet; any vehicle, trailer or load with a height greater than 14 feet; and any vehicle, trailer or load with the weight on any wheel exceeding 10,000 pounds. Examples are: hauled construction vehicles; houses being relocated; and house trailers, manufactured homes, or mobile homes.
- 9-617 EXEMPTIONS. The following vehicles and/or loads are exempted from the provisions of this Article: Farm tractors, combines, fertilizer dispensing

equipment or other farm machinery, or machinery being transported to be used for terracing or soil or water conservation work upon farms; and vehicles owned by counties, cities and other political subdivisions of Kansas, except this Section shall not exempt trucks owned by counties, cities and other political subdivisions specifically designed and equipped and used exclusively for garbage, refuse or solid waste disposal operations from the maximum gross weight limitations contained in the table in K.S.A. 8-1909, and amendments thereto.

9-618 ADDITIONAL POWERS, RULES, AND REGULATIONS. The Director is authorized to establish and enforce such additional rules and regulations necessary for the orderly administration of this Article.

2. EFFECTIVE DATE. This Resolution shall take effect and be in force from and after its adoption and publication once in the official County newspaper.

IN WITNESS WHEREOF, this Resolution was adopted this 19th day of November, 2008.

BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, KANSAS:

Bob Johnson, Chair

Jere McElhaney, Member

Charles Jones, Member

ATTEST:

Jameson D. Shew, Douglas County Clerk

Pursuant to K.S.A. 12-3903(c), Jameson D. Shew, Douglas County Clerk, consents to the transfer the K.S.A. 17-1914 *et seq.* permitting authority (for vehicles and/or their loads with a height of 16 feet or more) from the Douglas County Clerk to the Douglas County Department of Public Works.

Jameson D. Shew, Douglas County Clerk