

RESOLUTION 2009 - 50

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEAVENWORTH COUNTY, KANSAS, PROHIBITING THE USE OF CERTAIN ROADWAYS UNDER THE JURISDICTION AND CONTROL OF THE BOARD BY COMMERCIAL VEHICLES; SETTING FORTH EXCEPTIONS TO SAID PROHIBITION; PROVIDING FOR VIOLATIONS OF THIS RESOLUTION; REPEALING RESOLUTION 2004-57

WHEREAS, It has been determined by the Board of County Commissioners of Leavenworth County, Kansas, that the use of certain roadways under the jurisdiction and control of the Board as thoroughfares by commercial vehicles is incompatible with the normal and safe movement of said commercial vehicles; and

WHEREAS, the Board has determined that the use of certain roadways under the jurisdiction and control of the Board as thoroughfares by commercial vehicles should be regulated and, with certain exceptions, proscribed; and

WHEREAS, the provisions of K.S.A. 8-1912(c) authorizes the Board to restrict and regulate the operation of commercial vehicles upon roads under the jurisdiction and control of the Board;

NOW, THEREFORE, BE IT RESOLVED:

1. That for the purpose of this resolutions "commercial vehicle" means any motor vehicle, other than a passenger vehicle, and any trailer, semitrailer or pole trailer drawn by such motor vehicle, which vehicle is designed, used and maintained for hire, compensation, profit, or in the furtherance of commercial enterprise. This designation shall apply to all vehicles in excess of 24,000 lbs. in Gross Vehicle Weight (GVW). "Commercial vehicle" shall not include any motor vehicle or motorized equipment used for agricultural purposes. "Commercial vehicle" shall not include any motor vehicle used exclusively for the purpose of transporting students to school or any school sanctioned event.
2. Except as herein provided it shall be a violation of this resolution for any commercial vehicle to use any road under the jurisdiction and control of the Board which has been posted and signed as being subject to this resolution.
3. Roads restricted by this resolution include, but are not limited to the following known as:
 - a. Route numbers: 1 (K-32 south to Eudora), 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 17, 18, 20, 21, 22, 24, 25, 26, 27, 29, 31, 32, 33, 34, and 36.
 - b. Kansas Avenue between Route 2 and 142nd Street
 - c. 147th Street between Route 8 and Dempsey Road
 - d. Parallel between 222nd Street and Route 5
 - e. 155th Street between Route #7 and Eisenhower Road
 - f. Gillman between 136th Street and 127th Street (East of the City Limits of Lansing)
 - g. Any and all roadways properly signed in accordance with item #6 below
4. Commercial vehicles shall be allowed to operation upon roads posted and signed as being subject to this resolution under the following circumstances:
 - a. That the commercial vehicle had either a point of origin or destination upon the road
 - b. That the commercial vehicle had a point of destination which could not lawfully be reached without travel upon the road.
 - c. That the road was posted as a detour route for any County road upon which commercial vehicle traffic was permitted.
 - d. That the commercial vehicle traveled upon the road at the consent of the Board through the issuance of a temporary haul permit.

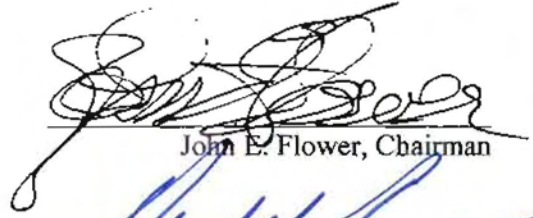
5. That the violation of this resolution shall be classified as a Class C Misdemeanor. Each violation shall constitute a separate offence. Persons cited for any violation of this resolution shall be issued a citation to appear before the District Court to answer for the charge of having violated the provisions of this resolution.

6. The Public Works department shall place traffic signs giving notice of this regulation at appropriate entrances to said roadways. The use of prohibited truck traffic signs is authorized on all roadways restricted under this resolution, with sign placement under the discretion of the County Engineer.

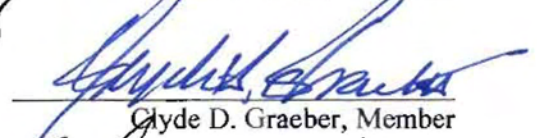
7. County Route #1 between K-32 and US 24/40 shall be designated as a truck route to allow access to the Kansas Turnpike at I-70 exit 212.

8. That Resolution 2004-57 and any prior resolution prohibiting commercial vehicles on County roads is here by repealed.

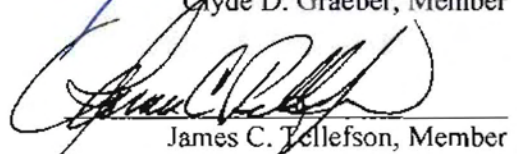
RESOLVED THIS 15 DAY OF OCTOBER, 2009



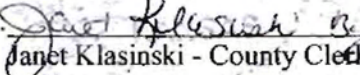
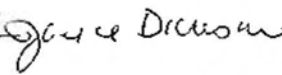
John E. Flower, Chairman



Clyde D. Graeber, Member



James C. Tellefson, Member

ATTEST  
Janet Klasinski - County Clerk

