

## RESOLUTION 2006-08

### A RESOLUTION FOR SETTING VEHICLE WEIGHTS ON DESIGNATED ROADS IN BARTON COUNTY, KANSAS, AND AMENDING RESOLUTION 2005-24, SAME, ADOPTED AUGUST 22, 2005

**WHEREAS**, the Board of County Commissioners of Barton County, Kansas, deem it necessary to establish maximum weight requirements on vehicles to prevent the destruction of County roads because of heavy loads.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Barton County, Kansas, that, in accordance with Chapter 8 of the Kansas Statutes, that:

**SECTION 1.** For the purposes of this Resolution, for any motor vehicle on any County road or highway, the gross weight limits and definitions are prescribed in K.S.A. 8-1908 and 8-1909, and any amendments thereto. The foregoing statutes are incorporated into this Resolution by reference the same as if fully set out herein.

**SECTION 2.** All issues on vehicle weights not specified in this Resolution shall be determined by the provisions of Chapter 8 in the Kansas Statutes and all such sections are incorporated into this Resolution by reference and made a part hereof, so far as these statutes concern the weight of vehicles, the weighing of vehicles and removal of loads by officers.

**SECTION 3.** If any Kansas law incorporated into this Resolution by reference is amended, those amendments shall be automatically incorporated by reference into this Resolution.

**SECTION 4.** The term "through commercial traffic" means trucks, buses and other vehicles engaged in interstate or intrastate commerce and operating upon any Barton County roadway without a Barton County destination or origin.

**SECTION 5.** The term "commerce" shall mean the hauling of goods or passengers for hire.

**SECTION 6.** The term "local traffic" means trucks, buses and other vehicles engaged in commerce and operating on a County roadway with a Barton County destination or origin.

**SECTION 7.** It shall be unlawful for any through commercial traffic to use any roadway or highway located in Barton County, Kansas; provided however, this restriction shall not apply to any road or highway that is a connecting link of the State highway system, unless a satisfactory alternate route is provided and has been approved by the Kansas Secretary of Transportation.

Violations of this Resolution by any person shall be punishable as a Class B Misdemeanor with penalties for each separate offense by a term of confinement in the Barton County Detention Facility not to exceed six months and \ or a fine in an amount not to exceed One Thousand Dollars (\$1,000.00). Any person who aids, assists or abets another in violating the provisions of this Resolution will be deemed to have committed a violation of the Resolution.

**SECTION 8.** It shall be unlawful for any person operating any vehicle upon any County road, highway or bridge, to operate that vehicle at vehicle weights greater than those described in Section 1.

**SECTION 9.** Any person violating any of the provisions of the weight restrictions of this Resolution shall, upon the conviction thereof, be fined the applicable amount from the following schedule:

**GROSS WEIGHT OF VEHICLE  
OR ANY AXI E OR TANDEM, TRIPLE OR QUAD AXLES**

For each violation of any gross weight limitation of a vehicle or combination of vehicles, an amount equal to the amount determined by applying the following schedule for each pound in excess of the lawful limit:

Pounds Overweight	Rate of Fine
Up to 1,000	\$25.00
1,001 to 2,000	\$00.03 per pound
2,001 to 5,000	\$00.05 per pound
5,001 to 7,500	\$00.07 per pound
7,501 and Over	\$00.10 per pound

Within two (2) years of a prior conviction, such person, upon other convictions, shall be fined:

- a) For a second conviction, one and one-half (1 ½) times the applicable amount.
- b) For a third violation, two (2) times the applicable amount.
- c) For a fourth and succeeding violations, two and one-half (2 ½) times the applicable amount.

**SECTION 10.** Liability for damage to roads, highways or bridges shall include:

- a) Any person driving any vehicle upon any Barton County road, highway or bridge whether engaged in through traffic or in local traffic, shall be liable for any and all damages sustained to such road, highway or bridge as a result of any illegal operation, driving or moving of such vehicle or as a result of operating, driving or moving any vehicle in excess of the maximum weight as authorized by this Resolution.
- b) Whenever such driver is not the owner of such vehicle, but is operating, driving or moving the same with the express or implied permission of said owner, then said owner and driver shall be jointly and separately liable for any such damage.
- c) Such damage may be recovered in a civil action brought by the Board of County Commissioners of Barton County, Kansas.

**SECTION 11.** This Resolution is being adopted pursuant to County home-rule power and K.S.A. 19-101d.

**SECTION 12.** As authorized by K.S.A. 19-101d, the County may request the court enjoin violations of this Resolution.

**SECTION 13.** Shall any section of this Resolution be deemed to be invalid, that portion alone shall be stricken and will not effect the validity of the remaining portions of the Resolution.

**SECTION 14.** If any Kansas Statutes referenced by this Resolution are amended, those amendments shall be deemed effective in relation to this Resolution.

**SECTION 15.** Official traffic signs giving notice of these regulations shall be erected and placed at appropriate entrances to all County roads and highways affected by this Resolution by the County Engineer.

**SECTION 16.** This Resolution shall be effective following its publication in the official County newspaper and the designation of weight limits as directed by K.S.A. 8-1912.

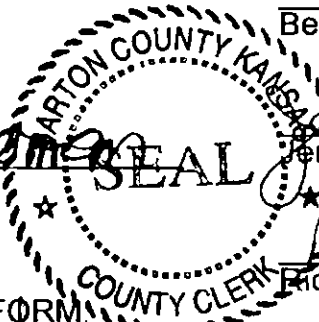
**FURTHER,** that Resolution 2005-24, A Resolution for Setting Vehicle Weights on Designated Roads in Barton County, Kansas, adopted August 22, 2005, is hereby amended.

**ADOPTED** this 20<sup>th</sup> day of March, 2006.

**BOARD OF COUNTY COMMISSIONERS**

ATTEST:

  
Donna Zimmerman  
County Clerk

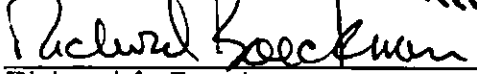


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Betty Chlumsky, Chair

  
Jennifer Schartz, Commissioner

  
Rick Scheufler, Commissioner

APPROVED AS TO FORM:

  
Richard A. Boeckman,  
County Counselor

  
Kenny Schremmer, Commissioner

  
Joe Wilson, Commissioner