**RESOLUTION 2017-\_\_\_\_**

**Over size Load Permits**

***A RESOLUTION ESTABLISHING A POLICY, INCLUDING FEES, FOR THE MOVING OF BUILDINGS, STRUCTURES OR OTHER OVER SIZE LOADS ON COUNTY ROADS.***

WHEREAS, \_\_\_\_\_\_\_\_\_ County, Kansas is an organized county government within Kansas with the power of home rule pursuant to K.S.A. 19-101 et seq.; and

WHEREAS, K.S.A. 17-1914 et seq. sets forth certain requirements for moving buildings or structures on public roads, including: provisions requiring movers to obtain permits from local governments and authorizing local governments to assess reasonable fees for said permits; and

WHEREAS, K.S.A.8-1911 authorizes local authorities to issue special permits for over sized or over weight vehicles for roads under their local jurisdiction; and

WHEREAS, K.S.A. 8-2002 authorizes local authorities to prohibit or regulate 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 for roads under their local jurisdiction; and

WHEREAS, the moving of over weight or over sized loads on county roads may endanger or damage the road, structures and signs as well as the public's health, safety and welfare.

IT IS HERBY RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF \_\_\_\_\_\_\_\_\_ COUNTY, KANSAS,

that the following regulations and rules shall be adopted and implemented to ensure compliance with K.S.A. 17-1914 et seq., K.S.A. 8-1901 et seq. and 8-2002 et seq. and to protect the public health, safety and welfare, as well as to prevent damage to public roads, structures, and signs.

**\_\_\_\_\_\_\_\_\_ COUNTY OVER SIZE LOADS MOVING REGULATIONS**

I. APPLICABILITY

This resolution shall apply to the movement of all houses, buildings, other structures or loads that are over weight or over sized, as described below, over all county and township maintained public highways, roads, and streets outside the boundaries of incorporated cities within \_\_\_\_\_\_\_\_\_ County, Kansas. It shall be unlawful for any person to drive or move or for the owner or lessee to cause or knowingly permit to be driven or moved on any county or township highway any vehicle or combination of vehicles of a size or weight 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, except as modified below, without receiving an over size load permit, hereinafter called a “Permit,” from the county.

1. A Permit will be required for vehicles that exceed: 1. Wheel or axle weight limit restrictions in KSA 8-1908, 2. Gross and axle weight limit restrictions in KSA 8-1909, 3. Weight limit posting of any bridge or culvert, and 4. Weight limit posting of any county road.
2. A Permit will be required for over width loads more than16.5 feet wide.
3. A Permit will be required for any vehicle or combination more than 80 feet in length.
4. A Permit will be required for any over height load only if utility lines have to be adjusted.
5. A Permit will not be required for the listed exemptions in K.S. A. 8-1911 (b) which include farm machinery, equipment used for soil and water conservation work, and vehicles owned by political subdivisions.

II. TRANSFER AND DELEGATION OF PERMITTING AUTHORITY

K.S.A. 17-1915 provides that the County Clerk is authorized to issue permits for vehicles having a height of 16 feet or more. The Board of County Commissioners finds that the permits for over height, as well as over width and over weight can be more efficiently exercised by one county official, and hereby transfers and delegates permitting authority as provided in K.S.A. 17-1915 to the Director of Public Works, hereinafter referred to as “Director”.

III. PERMITS AND NOTICES

1. Before operating or moving a vehicle or combination of vehicles of a size or weight for which a Permit is required under Section I of this resolution, the company performing the move, hereinafter referred to as “Mover”, shall obtain a Permit from the Director.
2. A Mover shall obtain a permit application form from the public works department and shall return the filled out application at least 15 calendar days prior to the anticipated date of moving. The Director may waive or shorten the 15-day application submission requirement for good cause shown. The application form shall require the following information: the date of the move; the hours during which the move will occur; the starting and ending location for the object being moved; the height, width and length dimensions of the object being moved; the weight of the object being moved; and if over weight the number and location of axles/wheels supporting the object being moved. The applicant Mover shall include a map clearly showing the proposed route of movement within the county. Any application that does not include the required information and application fee will not be accepted.
3. The Director will indicate in writing the approval/disapproval of the proposed route, and the Permit shall be granted or denied by the Director at least five days prior to the moving day unless extenuating circumstances require a greater period of time to review the application. If the Director cannot approve the permit at least five days prior to the moving day, the Mover shall be notified that approval will not be granted by the proposed date and be given the reason for the delay. If the Permit is denied, the reason for denial shall be stated in writing.
4. Over weight or non-standard axle configurations may require culverts and bridges to be analyzed by a structural engineer for load carry capacity. If the Director determines a structural analysis is required, the Director will obtain an estimate for the structural analysis. The applicant Mover will be advised of the cost of the structural analysis, and will have an option of withdrawing the permit application, revising the route, or paying for the analysis.
5. For over height loads that require utility adjustments the Mover shall comply with the utility notification and other requirements pursuant to K.S.A. 17-1916 et seq.

IV. FEES, SECURITY AND INSURANCE FOR OVER SIZE PERMIT

1. **Application Fee.** A non-refundable application fee of $100.00 shall be charged for all Permits.
2. **Security.** A cashiers check or surety bond shall be attached to the permit application, in the amounts as provided below:
	1. Over height, over length, or over width permits - $2,000
	2. Over weight permit - $5,000
3. **Insurance.** A certificate of insurance shall be attached to the permit application in the minimum amounts as provided below:
	1. General Liability - $500,000
	2. Auto Liability for bodily injury and property damage - $500,000

V. GENERAL LIMITATIONS ON MOVERS

1. A copy of the approved Permit with all attachments shall be kept in the Mover’s truck during the move and shall be available for inspection by law enforcement officers and county officials.
2. The Mover shall comply with all traffic control, escort vehicles, flags, over size warning signs, weather limitations, and time of day limitations as required on state highways by state law and K.A.R. Article 36-1.
3. Moving shall occur only between the hours of sunrise and sunset.
4. The Mover shall not deviate from the approved route without written approval from the public works department.
5. Movers shall make arrangements with the public works department before removing or relocating signs, object markers, or other property of the county.
6. If the Mover is not able to move on the approved date the Mover shall notify the Director and a new moving date shall be negotiated with the Mover and approved by the Director.
7. If the Mover is not able to complete the move within one single day or the Movers stop for any reason, the object being moved shall be pulled entirely off the public right-of-way.
8. The Mover shall promptly notify the Director if any county property is damaged, or of any vehicle accidents or private property damaged during the move.

VI. ADDITIONAL RULES AND REGULATIONS

The Director is authorized to prepare a permit application and permit form, instructions to applicants and Movers, and to establish and enforce additional rules and regulations as necessary for the orderly administration of this resolution.

VII. DAMAGES TO COUNTY PROPERTY

In accordance with K.S.A. 8-1913 the Mover shall be liable for all damage to the highway and other county property resulting from the move authorized by a Permit. Traffic signs and object markers removed or damaged by the Mover shall be replaced or reset before dark of the same day the signs were removed or damaged unless arrangements have been made to have the public works department replace or reset the signs. After the move the public works department will inspect the route for damage to county property. Damage that may affect traffic safety will be considered an emergency repair and may be immediately repaired by the public works department and the costs invoiced to the Mover. For non-emergency damages to county property, the Mover will be notified in writing and given 10 days to repair the damages. Failure to repair the damages within ten days shall be cause for the County to repair the damages. The public works department will then repair the damages and invoice the Mover for all costs related to those repairs. Failure of the Mover to pay the invoice amount within 14 days will be cause to enforce the bond. If the bond is forfeited, the Mover shall be notified in writing. If the Mover desires to contest bond forfeiture, the Mover shall file a written protest with the Board of County Commissioners within 10 days of receiving the forfeiture notice and the Board of County Commissioners shall hear the Mover's protest within 14 business days of receiving the protest and shall issue a decision within five working days of the hearing. The Mover shall only forfeit an amount on the bond sufficient to fully compensate the county for damages to its property by the Mover. If damages exceed the amount of the bond the Board of County Commissioners may take legal action to recover the entire cost of repairing the damage caused by the Mover.

**ALT. #1** VIII. VIOLATION AND PENALTY **[for counties without a county court]**

It shall be unlawful for any person to drive or move or for the owner or lessee to cause or knowingly permit to be driven or moved on any county highway any vehicle or combination of vehicles of a size or weight exceeding section I APPLICABILITY of this resolution, and any person that violates the provisions of this resolution, unless exempted as provided for herein or by K.S.A. 8-1901 (d), is guilty of a public offense as follows:.

1. Any violation of this resolution for not obtaining a Permit due to over height shall be prosecuted pursuant to K.S.A. 17-1920, and upon conviction thereof, may be punished for each separate violation by a fine of not more than $100, or by imprisonment in the county jail for not more than 60 days, or both.

2. Any violation of Kansas statutes or regulations and any provision of this resolution concerning excessive size and weights of vehicles and load without obtaining a Permit as required by this resolution may be prosecuted as provided in K.S.A. 8-1901.

**ALT. #2** SECTION VIII. VIOLATION AND PENALTY **[for counties with a county court]**

It shall be unlawful for any person to drive or move or for the owner or lessee to cause or knowingly permit to be driven or moved on any county highway any vehicle or combination of vehicles of a size or weight exceeding section I APPLICABILITY of this resolution, and any person that violates the provisions of this resolution, unless exempted as provided for herein or by K.S.A. 8-1901 (d), is guilty of a public offense of violating a County resolution as provided by K.S.A. 19-101 (d), and amendments thereto, and upon conviction of such violation shall be fined an amount not less than \_\_\_\_\_\_\_ dollars ($\_\_\_\_) nor more than \_\_\_\_\_\_\_\_\_ dollars ($\_\_\_\_\_) for each separate offense.[[1]](#endnote-1)

 THIS RESOLUTION is an ordinary home rule resolution and shall become effective upon publication once in the official County newspaper.

 BOARD OF COUNTY COMMISSIONERS

 OF \_\_\_\_\_\_\_\_\_\_\_ COUNTY, KANSAS

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ John Doe, Chairman

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ John Doe, Member

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ John Doe, Member

ATTEST:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

John A Doe

County Clerk

APPROVED AS TO FORM:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

John B Doe

County Counselor

1. Additional Section for Township Counties

VI. TOWNSHIP MAINTAINED ROADS

If the moving route includes township maintained roads, the Director shall forward the permit application or otherwise communicate the information from the application to the Trustees of the affected townships. The Trustee(s) shall review the application and make a recommendation to the Director on concerns related to the route and load. The Trustee(s) involvement is in an advisory role, only the Director may issue the Permit and establish additional conditions related to the move. [↑](#endnote-ref-1)