

## **RESOLUTION 2015-003**

### ***A RESOLUTION ESTABLISHING A POLICY, INCLUDING FEES, FOR THE MOVING OF BUILDINGS, STRUCTURES OR OTHER OVERWEIGHT OR OVERSIZED LOADS ON COUNTY ROADS, AND ESTABLISHING A POLICY FOR COUNTY ROADS TO BE USED AS A HAUL OR EVENT ROUTE.***

WHEREAS, Jefferson 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 the Public Works Department 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 oversized or overweight 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 a building, structure or other overweight or oversized loads on county roads and bridges may endanger the structural integrity of said county property, as well as the public's safety, when load limits and traffic patterns are ignored and signs and roadbeds are damaged.

IT IS HERBY RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON 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 public safety and welfare from damage to public roads and bridges.

IT IS FURTHER RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, KANSAS, that this Resolution shall become effective upon publication in the official county newspaper.

### **JEFFERSON COUNTY BUILDING MOVING REGULATIONS**

#### **I. APPLICABILITY**

This resolution shall apply to the movement of all houses, buildings, other structures or loads that are overweight or oversized over all public highways, roads, streets and other public right of ways outside the boundaries of incorporated cities within Jefferson County, Kansas, Jefferson County hereby adopts by reference the regulations adopted by the Kansas Secretary of Transportation for excessive size and weights of vehicles and loads, as found in Kansas Administrative Guidelines and as may be amended from time to time.

## II. PERMITS AND NOTICES

1. A permit to be known, as a "Moving Permit" shall be required prior to the movement of any house, building, derrick, structure or overweight/oversized loads along roadways maintained by Jefferson County, Kansas.
2. A mover shall obtain a Moving 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 of Public Works 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; the number and location of axles/wheels supporting the object being moved; the names and phone numbers of the mover at the time of the move and the party or parties who shall be responsible for damages caused by the mover; the name of the insurance company insuring the mover and the policy number of the mover's insurance policy. The applicant shall include a map clearly showing the proposed route of movement within Jefferson County. Any application that does not include such a map will be denied.
3. Copies of the application shall be immediately sent to the Public Works Department for review. The Public Works Department shall indicate in writing their approval/disapproval of the proposed route, and the permit shall be granted or denied by the Department of Public Works at least five days prior to the moving day unless extenuating circumstances require a greater period of time to review the application. If the Department of Public Works cannot approve the permit at least five days prior to the moving day, the applicant shall be notified in writing 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. If the permit is granted, the mover must attach a copy of the permit to the structure being moved and must also keep in the possession of the movers a copy of the permit as well as a copy of the route map that has been approved by the Department of Public Works.
4. Pursuant to K.S.A. 17-1916, all public and municipal utilities affected shall be notified in writing by the mover at least 15 days prior to the proposed move date. The notice shall give the time, date and route of the mover. If the move is delayed, the utilities shall be given at least 24 hours advance notice of the actual operation. The mover shall include copies of the written notice to all concerned utilities as part of the application filed with the Department of Public Works office.

## III. FEES, BOND AND INSURANCE FOR MOVING PERMIT

1. **Application Fee.** A fee of \$100.00 shall be charged for all moving operations and the fee shall be included as part of the application. If the permit is denied, \$25.00 shall be refunded when requested from the applicant.

2. **BOND.** A cash or surety bond shall be delivered to the County prior to the issuance of a permit, in an amount as provided below:

- a. Less than 4 miles of paved roadway - \$50,000
- b. Less than 4 miles of rock roadway - \$25,000
- c. 4 or more miles of paved roadway - \$100,000
- d. 4 or more miles of rock roadway - \$50,000

If the mover damages County property, the mover shall be notified in writing and given 10 days to correct the damages. Failure to correct the damages within ten days, which may be extended by the county for good cause, shall be cause for the County to enforce the bond. If the bond is forfeited, the mover shall be so notified in writing and a detailed list of the County's cost to repair damages caused by the mover shall be included as part of the written notice. If a mover desires to contest a 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 five working 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. The bond shall be released to the mover only after the Department of Public Works Office has verified in writing that the mover's route has been viewed after the completed move and that no County Property was damaged during the course of the move.

3. **Insurance.** The mover shall provide a certificate of general liability insurance in the minimum amount of \$500,000 to the County when applying for a permit. Said insurance shall include at least \$25,000 bodily injury to one person and \$50,000 bodily injury in any one accident and at least \$100,000 property damage insurance.

#### IV. GENERAL LIMITATIONS ON MOVERS

1. Moving shall occur only between the hours of sunrise and sunset.
2. The mover shall not deviate from the approved route without the written approval of the County.
3. If the mover is not able to move on the approved date for any reason, the County, through the Director of Public Works, shall be so notified and the move may only occur on a new date only after that date has been approved by the County and proper notice has been given to any concerned utilities.
4. 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.
5. Low-pressure pneumatic tires shall be used at all times during the move.
6. The object being moved shall not exceed twenty-eight (28) feet in width or twenty (20) feet in height when loaded.

7. The object being moved shall be preceded by and followed by a warning vehicle containing flashing lights and sign "wide load."

**V. FEES, BONDS AND INSURANCE FOR HAUL ROADS, OVERWEIGHT LOADS AND EVENT ROUTES.**

1. A fee of \$100 shall be charged for all haul road, overweight load permits and event routes and the fee shall be included as part of the application. If the permit is denied \$25.00 shall be refunded when requested from applicant.

2. A cash or surety bond shall be delivered to the County prior to the issuance of a permit, in an amount as provided below:

- a. Less than 4 miles of paved roadway - \$50,000
- b. Less than 4 miles of rock roadway - \$25,000
- c. 4 or more miles of paved roadway - \$100,000
- d. 4 or more miles of rock roadway - \$50,000

If damage to County property is caused by the applicant's use of the haul road or increased traffic due to the event, the applicant shall be notified in writing and given 10 days to correct the damage. Failure to correct the damage within ten days, which may be extended by the County for good cause, shall be cause for the County to forfeit part or all of the bond. If the bond is forfeited, the applicant shall be notified in writing and a detailed list of the County's cost to repair damages caused by the applicant shall be included as part of the written notice. If the applicant desires to contest bond forfeiture, the applicant 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 applicant's protest within five working days of receiving the protest and shall issue a decision within five working days of the hearing. The applicant shall only forfeit an amount on the bond sufficient to fully compensate the County for damages to its property by the applicant. The bond shall be released to the applicant only after the Department of Public Works Office has verified in writing that the applicant's route has been viewed and that no County Property was damaged during the course of the route.

3. **Insurance.** The applicant shall provide a certificate of general liability insurance in the minimum amount of \$500,000 to the County when applying for a permit. Said insurance shall include at least \$25,000 bodily injury to one person and \$50,000 bodily injury in any one accident and at least \$100,000 property damage insurance.

**VI. GENERAL LIMITATIONS ON HAUL ROAD/EVENT ROUTES**

1. The applicant shall not deviate from the approved route without written approval of the County.

2. The applicant shall follow all guidelines as stated on the Highway Permit.

VII. TRASH HAULING PERMIT

- 1. A fee of \$100.00 per trash hauling vehicle is required per year for operation of commercial trash hauling services within the county.
- 2. All operators of commercial trash hauling services within the county must provide a certificate of general liability insurance covering the hauler in the minimum amount of \$500,000 to the County when applying for a permit. Said insurance shall include at least \$25,000 bodily injury to one person and \$50,000 bodily injury in any one accident and at least \$100,000 property damage insurance.

Both the permit fee and the certificate of insurance must be received by the Public Works Office no later than December 31 in order to be approved for use of county roads by the operator's trash hauling vehicles for the next year.

VII. PENALTIES

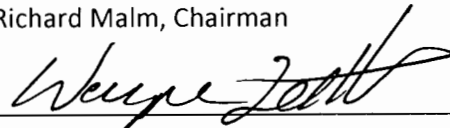
- 1. Any violation of this resolution for not obtaining a permit pursuant to K.S.A. 17-1915 shall be prosecuted pursuant to K.S.A. 17-1920, and upon conviction thereof, may be punished for each separate violation by a fine of not more than \$100,000, or by imprisonment in the county jail for not more than 60 days, or both.
- 2. Any violation of Kansas statutes or regulations concerning excessive size and weights of vehicles and load may be prosecuted as provided above.
- 3. The permit holder and all parties responsible for the permit underlying activities shall be held liable for any damages to county property caused directly or indirectly by such activities.

RESOLVED THIS 16<sup>th</sup> DAY OF March, 2015

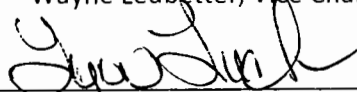
BOARD OF COUNTY COMMISSIONERS  
JEFFERSON COUNTY, KANSAS



Richard Malm, Chairman

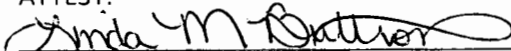


Wayne Ledbetter, Vice Chair



Lynn Luck, Member

ATTEST:



County Clerk