

HOME RULE RESOLUTION NO. HR-2010-7

**A Resolution Establishing Rules and Regulations For
The Construction and Modification of Entrances and Culverts
Onto Public Roads and Streets**

WHEREAS, the Board of Mission Township in the County of Shawnee, State of Kansas, desires to increase public safety on the public roads and streets of Mission Township of Shawnee County, Kansas; and,

WHEREAS, the Board of Mission Township in the County of Shawnee, Kansas, desires to establish rules and regulations for the construction and modification of entrances or culverts onto public roads and streets in the area of Mission Township, Shawnee County, Kansas.

NOW THEREFORE, the Board of Mission Township in the County of Shawnee, State of Kansas, meeting in regular session this 1st day of July 2010, and intending to exercise its powers of home rule pursuant to K.S.A. 60-439 and K.S.A. 68-543a, does hereby resolve as follows:

A. Any entrance onto a public road or street in an area of Mission Township constructed or modified after the enactment of this resolution shall conform to the following:

1. Entrance distance from nearest intersection: Thirty-five feet (35') plus right-of-way distance of cross street;
2. Maximum residential curb opening: Thirty-five feet (35');
3. Minimum residential curb opening: Thirteen feet (13');
4. Residential entrances shall use a minimum of a three-quarter inch (3/4") expansion join back of gutter;
5. Minimum ditch culvert length: Twenty-eight feet (28');

6. Maximum ditch culvert length: Forty feet (40');
7. Minimum ditch culvert inside diameter: Fifteen inches (15");
8. Minimum inside rise from arch or squash culvert: Thirteen inches (13");
9. Minimum distance between culverts: Ten feet (10');
- 10 Allowable culvert materials: Galvanized steel, aluminized steel or Concrete;
11. Minimum compacted dirt over culvert (excluding road surface): Four inches (4'); and,
12. Entrance surface over culvert should be lower than the road pavement edge.

B. Any person, firm, partnership, company, corporation or other entity (hereinafter referred to as "person") desiring to construct or modify an entrance or culvert onto a public road or street in any part of Mission Township shall first make written application for a permit on forms provided by the Mission Township Board. Such application shall include the applicant's full name and address; the property owner's name and address, the location of the proposed entrance or culvert; the plans of the proposed entrance or culvert including dimensions and specification; and the signature of the applicant. An application fee of FIFTY DOLLARS (\$50.00) shall accompany any such application.

C. Upon receipt of an application to construct or modify an entrance or culvert, the Mission Township Board shall review the application to determine compliance with the provisions of this resolution. Each application shall be subject to verification of property ownership to insure that the owner's name listed on the permit application is the same as listed in Shawnee County's property ownership records. In addition, Mission Township Board shall make a determination whether the proposed entrance or culvert is located and designed in such a manner so as not to endanger traffic safety on township roads and streets. If the Mission Township Road determines that the applicable requirements of this resolution have been met, a permit shall be issued to the applicant.

D. Any permit issued due to a mistake of law or fact, or issued due to any misrepresentation(s) by any person, shall be subject to revocation.

1. Any fine remaining unpaid by any property owner after ninety (90) days shall be turned over to the Shawnee County Clerk and shall be added to the property tax statement of the property found in contempt.

E. Any person who constructs or modifies an entrance or culvert onto a public road or street without first obtaining the required permit shall be subject to a fine in the amount of ONE HUNDRED and NO/100THS DOLLARS (\$100.00).

1. Any fine, together with any expense of removal or demolition of a structure by Mission Township that remains unpaid after ninety (90) days shall be turned over to the Shawnee County Clerk to be added to the property tax statement for that property found in contempt.

F. Any person who constructs or modifies an entrance or culvert onto a public road or street in violation of this resolution and/or which poses a danger or risk to traffic safety shall be subject to a fine in the amount of ONE HUNDRED and NO/100THS DOLLARS (\$100.00).

G. Any entrance or culvert which is constructed or modified in violation of this resolution and/or which poses a danger or risk to traffic safety shall be subject to removal at the property owner's expense by the Mission Township Board.

H. Prior to any removal of a culvert or entrance constructed or modified in violation of this resolution and/or which poses a danger or risk to traffic safety, the Mission Township Board shall provide thirty (30) days written notice of the violation to the property owner, stating the reason(s) for which the culvert or entrance is in violation of this resolution and requiring the structure to be repaired or removed. If the owner fails to do so within a reasonable time, the Mission Township Board may maintain a suit or action in any court of competent jurisdiction to seek removal or demolition of the structure at the property owner's expense.

I. When a decision to deny or revoke a permit becomes final, any person whose application for a permit has been denied or whose permit has been revoked, shall have the right to appeal such action to a court of competent jurisdiction within twenty (20) days of such determination.

J. This resolution supersedes HR-2002-3 and any other resolution in conflict herewith.

K. This resolution shall take effect upon approval of the Mission Township Board.

Trustee _____

Treasurer *Cris L. Lemon*

Clerk *J. Alward*

Date *July 1st 2010*