

HOME RULE RESOLUTION NO. HR-2002-10

A RESOLUTION ESTABLISHING RULES AND REGULATIONS FOR
THE CONSTRUCTION AND MODIFICATION OF ENTRANCES AND CULVERTS
ONTO PUBLIC ROADS AND STREETS

WHEREAS, the Board of County Commissioners of the County of Shawnee, Kansas desires to increase public safety on the public roads and streets of Shawnee County; and

WHEREAS, the Board of County Commissioners of 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 unincorporated areas of Shawnee County;

NOW, THEREFORE, the Board of County Commissioners of the County of Shawnee, Kansas, meeting in regular session this 18th day of July, 2002, and intending to exercise its powers of home rule pursuant to K.S.A. 19-101a, does hereby resolve as follows:

- (A) Any entrance onto a public road or street in an unincorporated area of Shawnee County 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 (35) feet;
 - (3) Minimum residential curb opening: Thirteen feet (13) feet;
 - (4) Residential entrances shall use a minimum of a three quarter (3/4) inch expansion joint back of gutter;
 - (5) Minimum ditch culvert length: Twenty-eight (28) feet;
 - (6) Maximum ditch culvert length: Forty (40) feet;
 - (7) Minimum ditch culvert inside diameter: Fifteen (15) inches;
 - (8) Minimum inside rise for arch or squash culvert: Thirteen (13) inches;

- (9) Minimum distance between culverts: Ten (10) feet;
 - (10) Allowable culvert material: Galvanized Steel, aluminized steel or concrete;
 - (11) Minimum compacted dirt over culvert (excluding road surface): Four (4) inches; 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 unincorporated part of Shawnee County shall first make written application for a permit on forms provided by the Shawnee County Department of Public Works. 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 specifications; and the signature of the applicant. An application fee of Ten Dollars (\$10) shall accompany any such application.
- (C) Upon receipt of an application to construct or modify an entrance or culvert, the Shawnee County Department of Public Works 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 the County's property ownership records. In addition, Public Works 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 County roads and streets. If the Shawnee County Department of Public Works 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.
- (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 Dollars (\$100).
- (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 Dollars (\$100).

- (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 owner's expense by the Shawnee County Department of Public Works.
- (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 Shawnee County Department of Public Works shall provide thirty (30) days written notice of the violation to the owner, stating the reasons 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 County may maintain a suit or action in any court of competent jurisdiction to seek removal or demolition of the structure at the 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 publication in the official County newspaper.

BOARD OF COUNTY COMMISSIONERS
SHAWNEE COUNTY, KANSAS

"Absent"

Theodore D. Ensley, Chairman



ATTEST:

Cynthia A. Beck
Cynthia A. Beck, County Clerk

Vic Miller
Vic Miller, Vice-Chair

Marice A. Karr
Marice A. Karr, Member

APPROVED AS TO FORM AND LEGALITY
BY THE SHAWNEE COUNTY COUNSELOR'S OFFICE
DATE 7-10-02 BY [Signature]