

CHARTER RESOLUTION 2005C-01

A CHARTER RESOLUTION PROHIBITING THE USE OF COUNTY ROADWAYS UNDER THE JURISDICTION AND CONTROL OF THE BOARD OF COUNTY COMMISSIONERS BY COMMERCIAL TRUCKS, COMMERCIAL BUSES, AND OTHER COMMERCIAL VEHICLES;

WHEREAS, it has been determined by the Lincoln County Board of Commissioners that commercial trucks, commercial buses, and other commercial motor vehicles use roadways under the jurisdiction and control of the Lincoln County Board of Commissioners; and

WHEREAS, roadways under the jurisdiction and control of the Lincoln County Board of Commissioners are not roadways compatible with the normal and safe movement of such commercial trucks, commercial buses, and other commercial motor vehicles.

NOW, THEREFORE, pursuant to the provisions of K.S.A. 8-1912(c), the Lincoln County Board of Commissioners resolved as follows:

1. It shall be unlawful for any commercial truck, commercial bus, or other commercial motor vehicle to use any roadway located in Lincoln County, Kansas, and under the jurisdiction and control of the Lincoln County Board of Commissioners.
2. Official Traffic Signs giving notice of this regulation shall be erected and placed at appropriate entrances to said roadways.
3. It shall be a defense to a prosecution for violation of this Charter Resolution that the commercial truck, commercial bus, or other commercial motor vehicles, at the time of operating on the roadway, had either a point of origin or a destination located within the confines of Lincoln County, Kansas, at a place located on a roadway under the jurisdiction and control of the Lincoln County Board of Commissioners.
4. The term "commercial" as used in this Charter Resolution shall mean the hauling of goods or passengers for hire.
5. Any person convicted of a violation of this Charter Resolution shall be sentenced to a period of not more than thirty (30) days in jail in the custody of the Lincoln County Sheriff or shall be assessed a fine of not more than \$500.00 or shall be sentenced to a combination of such fine and imprisonment.
6. This Charter Resolution shall be published once each week for two (2) consecutive weeks in the official county newspaper.
7. This Charter Resolution shall take effect sixty (60) days after final publication unless it is submitted to a referendum, as set forth at K.S.A. 19-101b, in which event it shall take effect when approved by a majority of the electors voting thereon.

Approved and adopted this 2nd day of May, 2005, by the Lincoln County Board of Commissioners, Lincoln County, Kansas.

Terry L. Finch, Chairman

Steven R. Errebo, Vice-Chairman

Al Joe Wallace, Member



Dawn M Harlow, County Clerk

APPROVED AS TO FORM:

Jennifer R. O'Hare

Lincoln County Attorney