

RESOLUTION NO. ____-2016
A RESOLUTION ADOPTING A POLICY FOR SIGNS IN THE PUBLIC
RIGHT OF WAY CONSISTENT WITH K.S.A. 25-2711

WHEREAS, the County Engineer of Sedgwick County, Kansas, pursuant to K.S.A. 68-115 has a duty to maintain the County roads, drains, ditches and rights of way for public safety; and

WHEREAS, the Board of County Commissioners of Sedgwick County, Kansas, believes in protecting the free speech of its citizens; and

WHEREAS, the Board of County Commissioners of Sedgwick County, Kansas, recognize that a balance must be struck between the duties of the County Engineer and the protections of free speech, consistent with The Constitution of the United States and the Constitution of the State of Kansas, and court rulings defining that balance; and

WHEREAS, the Board of County Commissioners of Sedgwick County wish to honor the spirit of K.S.A. 25-2711; and

WHEREAS, the Board of County Commissioners of Sedgwick County can implement a policy balancing public safety and free speech along County roads.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, that the following policy is approved and shall be effective June 1, 2016.

Election Period

For the purposes of this policy, the term “election period” shall mean any period beginning 45 days before an election and ending 2 days after an election that has been scheduled by the Sedgwick County Election Commissioner, consistent with K.S.A. 25-2711.

Scope of Policy

This policy shall apply to all roads maintained by Sedgwick County in the unincorporated area of Sedgwick County.

Safety Zone

Sight lines for public road intersections must be maintained so that vehicles entering intersections can be aware of each other and drivers can make safe operating decisions. Sight line protection also is required to allow drivers entering onto the roadway from private drives to see in both directions before proceeding into the road. Accordingly, for purposes of this policy, Sedgwick County hereby establishes a “safety zone,” which is defined as the entire width of the public road right of way running for a distance of 300 feet from the edge of the pavement or

graveled surface in each direction at public road intersections and the area between the edge of the pavement or gravelled surface and 15 feet back therefrom at all other locations. Exhibit A attached hereto outlines where signs may be placed during the election period.

Standards for Sign Size, Weight and Height

Large or heavy signs can cause significant damage or injury when hit by vehicles. In order to minimize such damage or injury caused by the placement of private signs, the following standards for size, weight and height of private signs is hereby established:

1. Sign face shall not exceed 6 square feet.
2. The weight of the sign and mounting system shall not exceed 5 pounds.
3. The installed height of signs shall not exceed 30 inches above the ground.

Application of Policy

- A. Private signage of any type or size that is placed within any public right of way within unincorporated sections of Sedgwick County may be removed and disposed of by Public Works staff or Metropolitan Area Building and Construction Department (“MABCD”) staff without notice to the owner in accordance with K.S.A. 68-545, except during an election period.
- B. During any election period, private signage of any type or size that is placed within the public right of way within the unincorporated sections of Sedgwick County *and* inside of the safety zone may be removed and disposed of by Public Works and MABCD employees without notice to the owner.
- C. During any election period, private signs that meet the sign face area, weight and installed height requirements listed above and are located outside of the prescribed safety zone will be left in place *to the extent practicable*. Sedgwick County Public Works and MABCD employees may remove, replace and/or relocate private signs further back in the right of way as necessary to perform work as required in the right of way.

Commissioners present and voting were:

DAVID M. UNRUH _____
TIM R. NORTON _____
KARL PETERJOHN _____
RICHARD RANZAU _____
JAMES M. HOWELL _____

Dated this _____ day of _____, 2016.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

ATTEST:

KELLY B. ARNOLD, County Clerk

JAMES M. HOWELL, Chairman
Commissioner, Fifth District

RICHARD RANZAU, Chair Pro Tem
Commissioner, Fourth District

APPROVED AS TO FORM:

JON P. VON ACHEN
Assistant County Counselor

DAVID M. UNRUH
Commissioner, First District

TIM R. NORTON
Commissioner, Second District

KARL PETERJOHN
Commissioner, Third District