

CHAPTER 38

SENATE BILL No. 447

AN ACT relating to roads and highways; concerning culverts or new entrances; amending K.S.A. 68-543 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. In counties which have not adopted the county unit road system, whenever it is necessary to make a ditch along a public road in front of any property at such depth as will in the opinion of the officials in charge of such road obstruct access from such property with the public highway, it shall be the duty of the county engineer on county roads and the township board on township roads to cause to be constructed and maintained a substantial culvert over such ditch, so as to make a good, safe crossing. The county shall pay for such improvement on county roads and the township on township roads. The cost of such culvert shall be paid by the owner of such property when such property does not have a culvert and the installation of such culvert is requested by the property owner or such property owner's agent. All moneys for the payment of such materials shall be deposited in the county road and bridge fund in case of counties in the township road fund, in case of townships.

(b) Whenever any property owner shall request an additional culvert or new entrance on a county road, the culvert or new entrance may be installed by the county engineer and the cost charged to the property owner. The county engineer may require the property owner to deposit the estimated cost of such installation before installing and constructing the culvert or new entrance, or the property owner may install and construct such additional culvert or new entrance, but only after first obtaining approval of plans therefor and permission to do so from the county engineer. Any such work shall be done by the owner subject to the direction and supervision of the county engineer.

(c) Whenever any property owner shall request an additional culvert or new entrance on a township road, the culvert or new entrance may be installed by the township board and the cost charged to the property owner. The township board may require the property owner to deposit the estimated cost of such installation before installing and constructing the culvert or new entrance, or the property owner may install and construct such additional culvert or new entrance, but only after first obtaining approval of plans therefor and permission to do so from the township board. Any such work shall be done by the owner subject to the direction and supervision of the township board.

(d) It shall be a public offense for any property owner or other person to construct a culvert or entrance across any ditch along a public road without first having secured approval of the plans therefor and permission to do so from the county engineer for county roads or township board for township roads. Any person who shall violate the provisions of this section shall, upon conviction thereof, be fined not less than \$50 nor more than \$100.

Sec. 2. K.S.A. 68-543 is hereby amended to read as follows: 68-543.

(a) *In counties having adopted the county unit road system, whenever it is necessary for a city or county to make a ditch along a public road in front of any property at such depth as will in the opinion of the officials in charge of such road obstruct any then existing entrance connecting access from such property with the public highway, it shall be the duty of the ~~county engineer~~ city engineer in cities and the county engineer in counties to cause to be constructed and maintained a substantial ~~culvert~~ entrance over the said such ditch, so as to make a good, safe crossing. The city shall pay for such improvement on city streets and the county shall pay for such improvement on county roads and the township on township roads: ~~Provided, That in any township having a population of more than six thousand (6,000) outside the limits of any incorporated city.~~ The cost of the materials for such culvert shall be paid by the owner of such property when such property is in a platted area and when does not have a culvert and the installation of such culvert is requested by the property owner or his such property owner's agent. All moneys for the payment of such materials shall be collected by the township treasurer and by him placed in the township road fund deposited in the city general fund, in case of cities, or county road and bridge fund, in case of counties.*

(b) Whenever any property owner shall request an additional culvert or new entrance on a county road, the ~~same culvert or new entrance~~ may be installed by the county engineer and the cost thereof charged to the property owner; The county engineer may require the property owner to deposit the estimated cost of such installation before installing and constructing the ~~same culvert or new entrance~~, or the property owner may ~~himself~~ install and construct such additional culvert or new entrance, but only after first obtaining approval of plans therefor and permission to do so from the county engineer; ~~and~~. Any such work shall be done by the owner subject to the direction and supervision of the county engineer.

(c) Whenever any property owner shall request an additional culvert or new entrance on a city street, the culvert or new entrance may be installed by the city engineer and the cost thereof charged to the property owner. The city engineer may require to property owner to deposit the estimated cost of such installation before installing and constructing the culvert or new entrance, or the property owner may install and construct such additional culvert or new entrance, but only after first obtaining approval of plans therefor and permission to do so from the city engineer. Any such work shall be done by the owner subject to the direction and supervision of the city engineer.

(d) It shall be a public offense for any property owner or other person to construct a culvert or entrance across any ditch along a public road without first having secured approval of the plans therefor and permission to do so from the county engineer *for county roads* or the city engineer *for city streets*. Any person who shall violate the provisions of this section shall, upon conviction thereof, be fined not less than ~~fifty dollars (\$50)~~ \$50 nor more than ~~one hundred dollars (\$100)~~ \$100.

Sec. 3. K.S.A. 68-543 is hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 8, 2004.
