

SENATE BILL No. 465

By Committee on Local Government

1-26

9 AN ACT concerning cities; relating to certain nuisance abatement pro-
10 cedures; amending K.S.A. 12-1617f and K.S.A. 2009 Supp. 12-1617e
11 and repealing the existing sections.
12

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

14 Section 1. K.S.A. 2009 Supp. 12-1617e is hereby amended to read
15 as follows: 12-1617e. (a) The governing body of any city may have re-
16 moved or abated from any lot or parcel of ground within the city any and
17 all nuisances, including rank grass, weeds or other vegetation. The gov-
18 erning body may have drained any pond or ponds of water, at the cost
19 and expense of the owner of the property on which the nuisance is lo-
20 cated, whenever the city, county or joint board of health or other agency
21 as may be designated by the governing body of the city files with the clerk
22 of such city its statement in writing that such nuisance, rank vegetation
23 or pond of water, describing the same and where located, is a menace
24 and dangerous to the health of the inhabitants of the city, or of any neigh-
25 borhood, family or resident of the city. The governing body of the city,
26 by resolution, also may make such determination.

27 (b) ~~Except as provided by subsection (c),~~ The governing body of the
28 city shall order the owner or agent of the owner of the property to remove
29 and abate from the property the thing or things therein described as a
30 nuisance within a time, not exceeding 10 days, to be specified in the order.
31 The governing body of the city shall grant extensions of such ten-day time
32 period if the owner or agent of the property demonstrates that due dili-
33 gence is being exercised in abating the nuisance. The order shall state
34 that before the expiration of the waiting period or any extension thereof,
35 the recipient thereof may request a hearing before the governing body
36 or its designated representative. The order shall be served on the owner
37 or agent of such property by ~~certified mail, return receipt requested, first~~
38 ~~class mail~~ or by personal service. If the property is unoccupied and the
39 owner is a nonresident, then by mailing the order by ~~certified mail, return~~
40 ~~receipt requested, first class mail~~ to the last known address of the owner.

41 ~~(c) If the owner or agent of the owner of the property has failed to~~
42 ~~accept delivery or otherwise failed to effectuate receipt of a notice sent~~
43 ~~pursuant to this section during the preceding twenty-four month period,~~

1 ~~the governing body of a city may provide notice of the issuance of any~~
2 ~~further orders to abate or remove a nuisance from such property in the~~
3 ~~manner provided by subsection (b) or as provided in this subsection.~~
4 ~~Except as specifically provided in this subsection, the governing body may~~
5 ~~provide notice of the order by such methods including, but not limited~~
6 ~~to, door hangers, conspicuously posting notice of such order on the prop-~~
7 ~~erty, personal notification, telephone communication or first class mail.~~
8 ~~If the property is unoccupied and the owner is a nonresident, notice~~
9 ~~provided by this section shall be given by telephone communication or~~
10 ~~first class mail.~~

11 ~~(c)~~ (c) If the owner or agent fails to comply with the requirement of
12 the order for a period longer than that named in the order, the city shall
13 proceed to have the things described in the order removed and abated
14 from the lot or parcel of ground. If the city abates or removes the nui-
15 sance, the city shall give notice to the owner or agent by ~~certified mail,~~
16 ~~return receipt requested,~~ *first class mail* of the total cost of such abate-
17 ment or removal incurred by the city. Such notice also shall state that
18 payment of such cost is due and payable within 30 days following receipt
19 of such notice. The city also may recover the cost of providing notice,
20 including any postage, required by this section. If the cost of such removal
21 or abatement and notice is not paid within the thirty-day period, the cost
22 shall be collected in the manner provided by K.S.A. 12-1,115, and amend-
23 ments thereto, or shall be assessed and charged against the lot or parcel
24 of ground on which the nuisance was located. If the cost is to be assessed,
25 the city clerk, at the time of certifying other city taxes to the county clerk,
26 shall certify such costs, and the county clerk shall extend the same on the
27 tax roll of the county against the lot or parcel of ground, and it shall be
28 collected by the county treasurer and paid to the city as other city taxes
29 are collected and paid. The city may pursue collection both by levying a
30 special assessment and in the manner provided by K.S.A. 12-1,115, and
31 amendments thereto, but only until the full cost and any applicable in-
32 terest has been paid in full.

33 ~~(d)~~ (d) Any city may remove and abate from property other than pub-
34 lic property or property open to use by the public a motor vehicle deter-
35 mined to be a nuisance. Disposition of such vehicle shall be in compliance
36 with the procedures for impoundment, notice and public auction pro-
37 vided by paragraph (2) of subsection (a) of K.S.A. 8-1102, and amend-
38 ments thereto. Following any sale by public auction of a vehicle deter-
39 mined to be a nuisance, the purchaser may file proof thereof with the
40 division of vehicles, and the division shall issue a certificate of title to the
41 purchaser of such motor vehicle. If a public auction is conducted, but no
42 responsible bid received, the city may file proof thereof with the division
43 of vehicles, and the division shall issue a certificate of title of such motor

1 vehicle to the city. Any person whose motor vehicle has been disposed of
2 pursuant to this subsection shall be eligible for a refund of the tax imposed
3 pursuant to K.S.A. 79-5101 et seq., and amendments thereto. The amount
4 of such refund shall be determined in the manner provided by K.S.A. 79-
5 5107, and amendments thereto.

6 Sec. 2. K.S.A. 12-1617f is hereby amended to read as follows: 12-
7 1617f. (a) The governing body of any city is hereby authorized to provide
8 for and require the cutting or destruction of all weeds on lots or pieces
9 of land within the city. Except as provided by subsection (b), the city clerk
10 shall issue a notice to the owner, occupant or agent by ~~certified mail,
11 return receipt requested, first class mail~~ or by personal service to cut or
12 destroy such weeds. If the property is unoccupied and the owner is a
13 nonresident, such notice shall be sent by ~~certified mail, return receipt
14 requested, first class mail~~ to the last known address of the owner. The
15 notice shall state that before the expiration of the waiting period provided
16 herein the recipient thereof may request a hearing before the governing
17 body or its designated representative. If the occupant, owner or agent
18 fails to request a hearing or refuses to cut or remove such weeds, after
19 five days' notice by the city clerk, or in cases where the owner is unknown
20 or is a nonresident, and there is no resident agent, 10 days after notice
21 has been published by the city clerk in the official city paper, the city
22 shall cut or destroy such weeds and shall keep an account of the cost of
23 same and report to the city clerk. Except as provided by subsection (b),
24 the city shall give notice to the owner, occupant or agent by ~~certified mail,
25 return receipt requested, first class mail~~ of the total cost of such cutting
26 or removal incurred by the city. The city also may recover the cost of
27 providing notice, including postage, required by this section. Such notice
28 also shall state that payment of such cost is due and payable within 30
29 days following receipt of such notice. If the cost of such removal or abate-
30 ment is not paid within the thirty-day period, the city may levy a special
31 assessment for such cost against the lot or piece of land in the same
32 manner as provided in K.S.A. 12-1617e, and amendments thereto, or the
33 city may collect the cost in the manner provided by K.S.A. 12-1,115, and
34 amendments thereto. The city may pursue collection both by levying a
35 special assessment and in the manner provided by K.S.A. 12-1,115, and
36 amendments thereto, but only until the full cost and any applicable in-
37 terest has been paid in full.

38 (b) In lieu of giving notice as provided by subsection (a), a city may
39 give notice as provided by this subsection. The governing body shall adopt
40 an ordinance which states its weed removal policy and notification pro-
41 cedure. Such procedure shall provide for a minimum one-time yearly
42 written notification by mail or personal service to the owner, occupant or
43 agent. Such notice shall include the same information required by sub-

1 section (a). In addition, such notice shall include a statement that no
2 further notice shall be given prior to removal of weeds.

3 If there is a change in the record owner of title to property subsequent
4 to the giving of notice pursuant to this subsection, the city may not recover
5 any costs or levy an assessment for the costs incurred by the cutting or
6 destruction of weeds on such property unless the new record owner of
7 title to such property is provided notice as required by this section.

8 Sec. 3. K.S.A. 12-1617f and K.S.A. 2009 Supp. 12-1617e are hereby
9 repealed.

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