

SENATE BILL No. 102

By Committee on Federal and State Affairs

1-31

1 AN ACT concerning counties; relating to the abatement of nuisances.

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

4 Section 1. (a) The governing body of any county may remove or
5 abate from any lot or parcel of ground within the unincorporated area of
6 the county any and all nuisances, including rank grass, weeds or other
7 vegetation. The governing body may drain any pond or ponds of water, at
8 the cost and expense of the owner of the property on which the nuisance is
9 located, whenever the county, city or joint board of health or other agency
10 as may be designated by the governing body of the county, files with the
11 clerk of the county a statement in writing that the nuisance, rank
12 vegetation or pond of water, describing the same and where located, is a
13 menace and dangerous to the health of the inhabitants of the county, or of
14 any neighborhood, family or resident of the county. The governing body of
15 the county, by resolution, also may make such determination.

16 (b) Except as provided by subsection (c), the governing body of the
17 county shall order the owner or agent of the owner of the property to
18 remove and abate from the property the thing or things therein described
19 as a nuisance within a time, not exceeding 10 days, to be specified in the
20 order. The governing body of the county shall grant extensions of the 10-
21 day time period if the owner or agent of the property demonstrates that due
22 diligence is being exercised in abating the nuisance. The order shall state
23 that before the expiration of the waiting period or any extension, the
24 recipient may request a hearing before the governing body or its
25 designated representative. The order shall be served on the owner or agent
26 of the property by certified mail, return receipt requested, or by personal
27 service. If the property is unoccupied and the owner is a nonresident, then
28 by mailing the order by certified mail, return receipt requested, to the last
29 known address of the owner.

30 (c) If the owner or agent of the owner of the property has failed to
31 accept delivery or otherwise failed to effectuate receipt of a notice sent
32 pursuant to this section during the preceding 24-month period, the
33 governing body of a county may provide notice of the issuance of any
34 further orders to abate or remove a nuisance from the property in the
35 manner provided by subsection (b) or as provided in this subsection.
36 Except as specifically provided in this subsection, the governing body may

1 provide notice of the order by such methods including, but not limited to,
2 door hangers, conspicuously posting notice of the order on the property,
3 personal notification, telephone communication or first class mail. If the
4 property is unoccupied and the owner is a nonresident, notice provided by
5 this section shall be given by telephone communication or first class mail.

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

27 (e) Any county may remove and abate from property other than
28 public property or property open to use by the public a motor vehicle
29 determined to be a nuisance. Disposition of such vehicle shall be in
30 compliance with the procedures for impoundment, notice and public
31 auction provided by K.S.A. 8-1102(a)(2), and amendments thereto.
32 Following any sale by public auction of a vehicle determined to be a
33 nuisance, the purchaser may file proof thereof with the division of
34 vehicles, and the division shall issue a certificate of title to the purchaser
35 of the motor vehicle. If a public auction is conducted, but no responsible
36 bid is received, the county may file proof thereof with the division of
37 vehicles, and the division shall issue a certificate of title of the motor
38 vehicle to the county. Any person whose motor vehicle has been disposed
39 of pursuant to this subsection shall be eligible for a refund of the tax
40 imposed pursuant to K.S.A. 79-5101 et seq., and amendments thereto. The
41 amount of the refund shall be determined in the manner provided by
42 K.S.A. 79-5107, and amendments thereto.

43 Sec. 2. This act shall take effect and be in force from and after its

- 1 publication in the statute book.