

HOUSE BILL No. 2238

By Committee on Local Government

2-12

1 AN ACT establishing the Sedgwick county urban area nuisance abatement
2 act.

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

5 Section 1. (a) Sections 1 through 3, and amendments thereto, shall be
6 known and may be cited as the Sedgwick county urban area nuisance act.

7 (b) Sedgwick county has been declared an urban area under K.S.A.
8 19-2654, and amendments thereto, as permitted by section 17 of article 2
9 of the constitution of the state of Kansas.

10 (c) Before any nuisance abatement process shall be commenced
11 under this act, Sedgwick county first shall have obtained a conviction for a
12 county code violation resulting from such nuisance within the 12-month
13 period prior to the issuance of any order as provided in section 2, and
14 amendments thereto.

15 (d) The board of county commissioners may order the removal or
16 abatement of any nuisance from any lot or parcel of ground within the
17 unincorporated area of the county. The board may order:

18 (1) The draining of any pond or other body of water; or

19 (2) the repair or demolition of any structure, or the removal or
20 abatement of any other type of nuisance.

21 The order shall provide that all costs associated with the abatement
22 shall be paid by the owner of the property on which the nuisance is
23 located.

24 Sec. 2. (a) Whenever the board of county commissioners or other
25 agency designated by the board files with the Sedgwick county clerk a
26 statement in writing describing a nuisance and declaring that such is a
27 menace and dangerous to the health of the inhabitants of the county, the
28 board of county commissioners, by resolution, may make such
29 determination.

30 (b) Except as provided by subsection (c), the board of county
31 commissioners shall order the owner of the property to remove and abate
32 the nuisance within not less than 10 days, to be specified in the order. The
33 governing body or its designated representative shall grant extensions of
34 the time period indicated in the order if the owner or agent of the property
35 demonstrates that due diligence is being exercised in abating the nuisance.
36 The order shall state that before the expiration of the waiting period or any

1 extension, the recipient may request a hearing before the governing body
2 or its designated representative. The order shall be served on the owner or
3 agent of the property by certified mail, return receipt requested, or by
4 personal service. If the property is unoccupied and the owner is a
5 nonresident, then by mailing the order by certified mail, return receipt
6 requested, to the last known address of the owner.

7 (c) If the owner or agent of the owner of the property has failed to
8 accept delivery or otherwise failed to effectuate receipt of a notice sent
9 pursuant to this section during the preceding 24-month period, the
10 governing body may provide notice of the issuance of any further orders to
11 abate or remove a nuisance from the property in the manner provided by
12 subsection (d) or as provided in this subsection. The governing body may
13 provide notice of the order by such methods including, but not limited to,
14 door hangers, conspicuously posting notice of the order on the property,
15 personal notification, telephone communication or first class mail. If the
16 property is unoccupied and the owner is a nonresident, notice provided by
17 this section shall be given by telephone communication or first class mail.

18 (d) If the owner or agent fails to comply with the requirement of the
19 order for a period longer than that named in the order or any extensions of
20 such time period, the board of county commissioners may proceed to
21 repair or demolish any structure, drain any pond or ponds of water, and
22 have the things described in the order removed and abated from the lot or
23 parcel of ground. If the county abates or removes the nuisance, the county
24 shall give notice to the owner or agent by certified mail, return receipt
25 requested, of the total cost of the abatement or removal incurred by the
26 county. The notice also shall state that payment of the cost is due and
27 payable within 30 days following receipt of the notice.

28 (e) If the cost of the removal or abatement is not paid within the 30-
29 day period, the cost shall be assessed and charged against the lot or parcel
30 of land on which the nuisance was located. If the cost is to be assessed, the
31 county clerk, at the time of certifying other county taxes, shall certify the
32 costs, and the county clerk shall extend the same on the tax roll of the
33 county against the lot or parcel of land, and it shall be collected by the
34 county treasurer.

35 Sec. 3. Sedgwick county may remove and abate from property, other
36 than public property or property open to the use by the public, a motor
37 vehicle determined to be a nuisance. Disposition of such vehicles shall be
38 in compliance with the procedures for impoundment, notice and public
39 auction provided by K.S.A. 8-1102(a)(2), and amendments thereto.
40 Following any sale by public auction of a vehicle determined to be a
41 nuisance, the purchaser may file proof with the division of vehicles, and
42 the division shall issue a certificate of title to the purchaser of the motor
43 vehicle. If a public auction is conducted, but no responsible bid is

1 received, the county may file proof with the division of vehicles, and the
2 division shall issue a certificate of title of the motor vehicle to the county.
3 Any person whose motor vehicle has been disposed of pursuant to this
4 section shall be eligible for a refund of the tax imposed pursuant to K.S.A.
5 79-5101 et seq., and amendments thereto. The amount of the refund shall
6 be determined in the manner provided by K.S.A. 79-5107, and
7 amendments thereto.

8 Sec. 4. The governing body may adopt a resolution to establish any
9 policies, procedures, designated body or other related matters for hearings
10 that property owners or their agents may request pursuant to this act.

11 Sec. 5. This act shall take effect and be in force from and after its
12 publication in the statute book.