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MEMORANDUM

To: Chairperson Bergquist
Members of the House Committee on Local Government

From: The Office of Revisor of Statutes

Date: March 11, 2024

Subject: SB 162 –Nuisance abatement acts for Riley and Crawford counties.

Senate Bill No. 162 (SB 162) would create the Riley County Unincorporated Area Nuisance Abatement Act (Act). The Act would establish procedures and requirements for the removal and abatement of nuisances by the Board of County Commissioners of Riley County (Board). The Act only applies to action by the Board to abate nuisances on property located in the unincorporated area of the County, and excludes land, structures, machinery, equipment, and motor vehicles used for agricultural purposes or oil and gas exploration and development activity.

Section 1 requires that the Board first obtain a conviction for a county code violation resulting from the nuisance in the year preceding the issuance of an abatement order. After the conviction is obtained, Section 2 authorizes the Board to issue an order of abatement to the property owner. The order must provide the owner at least 10 days to remove and abate the nuisance. If the owner fails to comply within the specified time, the County may proceed to remove and abate the nuisance with the costs for such removal and abatement being charged to the property owner. Section 2 also provides due process to the property owner by providing for proper notice of the order to be served by personal service on the owner, and by giving the owner an opportunity to request a hearing. All decisions by the County under the Act are subject to judicial review.

Section 3 authorizes the County to remove and abate a motor vehicle determined to be a nuisance. This section also provides for the disposition of the vehicle via public auction, or through the County taking title to the vehicle.

Section 4 authorizing the Board to adopt policies and procedures necessary to implement the Act.

Section 5 was amended by the Senate Committee on Local Government to include a legislative intent statement supporting the general exemption of agricultural activity from the Act. The Senate Committee also added oil and gas exploration and development activity as one of the purposes exempt from the Act.

Sections 7 through 12 were also added to SB 162 by the Senate Committee. These sections create the Crawford County Unincorporated Area Nuisance Abatement Act to provide the same nuisance abatement authority to the Board of County Commissioners for Crawford County. All of the procedures, legal requirements, and exemptions are the same under both acts.

Sections 6 and 12 sunset the Acts in three years on July 1, 2027.

SB 162 passed the Senate on a final action vote of 34-5.

If enacted, SB 162 would become effective on July 1, 2024.