



**Metropolitan
Area Building
& Construction
Department**

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To: Chair McGinn, Kansas Senate Committee on Local Government

Re: SB 362; Repealing the expiration provision of the Sedgwick county urban area nuisance abatement act

From: Christopher W. Labrum, Director of the Wichita-Sedgwick County Metropolitan Area Building and Construction Department ("MABCD")

Dear Chair McGinn, Vice Chair Bowers, Ranking Minority Member Francisco, and members of the Committee,

My name is Chris Labrum and I am the Director of the Wichita-Sedgwick County Metropolitan Area Building and Construction Department, the department tasked with handling nuisance complaints in the unincorporated area of Sedgwick County. I am writing as a Sedgwick County staff member in support of SB 362, which would repeal the expiration provision of the Sedgwick County Urban Area Nuisance Abatement Act.

As was emphasized during my previous testimony in support of the Act, neither the Board of County Commissioners of Sedgwick County nor Sedgwick County staff have any interest in taking private property. We seek only to retain the reasonable authorization of power to clean up dangerous nuisance properties that impact the health and safety of neighbors on a day-to-day basis.

This is reflected in the components of the Sedgwick County Nuisance Abatement Code, which was adopted by the Sedgwick County Board of County Commissioners in March of 2022 and which dutifully follows the stipulations set forth in the Act. These stipulations include: maintaining a full nuisance notification and compliance process; following normal court processes; receiving a county court conviction within twelve months of any abatement action; a county commission declaration of the danger and issuance of a clean-up order prior to any action; and a Nuisance Abatement Appeals Board and an associated appeal process.

Sedgwick County remains committed to not utilizing nuisance abatement powers for minor or run-of-the-mill nuisance offenses. In fact, though we have had this authority in place since early 2022, we have not yet performed any abatement actions nor do we have any such actions currently forecast.

However, this is not to say that granting of this authority was without positive effect for our citizens. Staff reports, based on interactions with property owners and witnessing the rectification of multiple hazardous conditions, indicate that our abatement code is a very effective tool in protecting public health and safety. For example, County staff presented five examples of extreme conditions when advocating for the initial implementation of the Act. Unsafe conditions on four of these properties have since been corrected by either

the current owner or after a change in ownership. Significant progress has been made on the fifth, which does not have a living owner, and thus presents no avenue to pursue a court conviction.

If Sedgwick County retains nuisance abatement authority, our department will continue to work through a process that provides many opportunities for property owners to abate any nuisances before Sedgwick County exercises self-help powers. We always prefer that property owners handle these nuisance conditions on their own without government intervention, but experience has taught us that sometimes this does not happen.

Sedgwick County requests your support for this bill. Thank you for your consideration.



CHRIS W. LABRUM
Director, MABCD

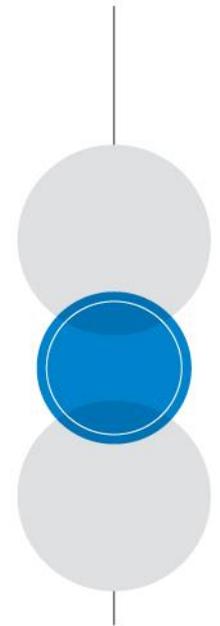
Request to Provide **Sedgwick County** Power
to Abate Nuisance Properties Consistent with
Constitutional Due Process

Metropolitan Area Building and Construction Department (MABCD)



**NUISANCE
PROPERTIES**

January 2021



Case Example #1

- Vacant & Deteriorating Home
- Owner Fenced to “Make Safe”
- Fully Legal w/Current Code
- Condition Progresses and Hazard Increases
- No Further Action Available to MABCD
- Remains an Attractive Nuisance



Case Example #1



Case Example #1



Case Example #2

- Extreme/Ongoing Case
- Now Abandoned
- Animal Control Report
- Environmental Resources also has an Open Case
- Majority of Issues Remain Uncorrected
- Health Hazard – Large Amounts of Human & Animal Waste Present



Case Example #2



Case Example #2



Case Example #2



Case Example #2



Case Example #2



Case Example #3

- Example of Fire Damage with No Insurance
- Also see Insured Properties where Proceeds Don't Cover Needed Cleanup
- Additional Nuisances Present on Property
- Owner Takes No Action
- Abandoned and Contact Lost with Owner



Case Example #3



Case Example #3



Case Example #4

- Abandoned Home with No Utilities
- Owner Deceased while Cases Pending
- Multiple Nuisance Conditions on Property
- Friend of Deceased Owner Living in RV on Property



Case Example #4



Case Example #5

- Owner-Created Construction Waste Dump for Rock Crushing Operation
- Did Not File for Needed Zoning or Conditional Use
- Dump Grew – Expanded to Yard and Other Waste
- Numerous Court Fines
- No Action to Correct from Owner
- Now Under New Ownership, but Condition Persists



Case Example #5



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