

SENATE BILL No. 162

By Committee on Local Government

2-6

1 AN ACT creating the Riley county unincorporated area nuisance
2 abatement act *and the Crawford county unincorporated area*
3 *nuisance abatement act*; establishing procedures for the removal and
4 abatement of nuisances; providing for the assessment of costs of such
5 abatement.

6
7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. (a) The provisions of sections 1 through 6, and
9 amendments thereto, shall be known and may be cited as the Riley county
10 unincorporated area nuisance abatement act.

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

16 (c) (1) The board of county commissioners may order the removal or
17 abatement of any nuisance from any lot or parcel of ground within the
18 unincorporated area of the county. The board may order the repair or
19 demolition of any structure or the removal or abatement of any other type
20 of nuisance.

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

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

31 (b) Except as provided by subsection (c), the board of county
32 commissioners shall order the owner of the property to remove and abate
33 the nuisance within not less than 10 days, to be specified in the order. The
34 board or its designated representative may grant extensions of the time
35 period indicated in the order. The order shall state that, before the
36 expiration of the waiting period or any extension, the recipient may

1 request a hearing before the board or its designated representative. The
2 order shall be served on the owner by personal service in accordance with
3 K.S.A. 60-303, and amendments thereto.

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

15 (d) If the owner of the property fails to comply with the order for a
16 period longer than that named in the order or any extensions of such time
17 period, the board of county commissioners may proceed to order the repair
18 or demolition of any structure and have the items described in the order
19 removed and abated from the lot or parcel of ground. If the county abates
20 or removes the nuisance, the county shall give notice to the owner by
21 certified mail, return receipt requested, of the total cost of the abatement or
22 removal incurred by the county. The notice also shall state that payment of
23 the cost is due and payable within 60 days following the mailing of the
24 notice.

25 (e) If the cost of the removal or abatement is not paid within the 60-
26 day period, the cost shall be assessed and charged against the lot or parcel
27 of land on which the nuisance was located. If the cost is to be assessed, the
28 county clerk, at the time of certifying other county taxes, shall certify the
29 costs, and the county clerk shall extend the cost on the tax roll of the
30 county against the lot or parcel of land. Such cost shall be collected by the
31 county treasurer.

32 (f) In assessing the cost of removal and abatement of a nuisance, the
33 county shall subtract from the total cost of the abatement or removal
34 incurred by the county the value of the property removed or abated. If the
35 value of the property removed or abated is greater than the cost of the
36 removal or abatement incurred by the county, the county shall pay the
37 owner the difference. If the value of the property is contested, the property
38 owner may request a hearing before the board or its designated
39 representative prior to the 60 days following receipt of notice of costs due
40 and payable under subsection (d).

41 (g) All orders and notices shall be served on the owner of record or, if
42 there is more than one owner of record, then on at least one such owner.

43 (h) Any decision of the board of county commissioners or its

1 designated representative is subject to review in accordance with the
2 Kansas judicial review act.

3 Sec. 3. Riley county may remove and abate from property, other than
4 public property or property open to the use by the public, a motor vehicle
5 determined to be a nuisance. Disposition of such vehicles shall be in
6 compliance with the procedures for impoundment, notice and public
7 auction provided by K.S.A. 8-1102(a)(2), and amendments thereto.
8 Following any sale by public auction of a vehicle determined to be a
9 nuisance, the purchaser may file proof with the division of vehicles, and
10 the division shall issue a certificate of title to the purchaser of the motor
11 vehicle. If a public auction is conducted but no responsible bid is received,
12 the county may file proof with the division of vehicles, and the division
13 shall issue a certificate of title of the motor vehicle to the county. Any
14 person whose motor vehicle has been disposed of pursuant to this section
15 shall be eligible for a refund of the tax imposed pursuant to K.S.A. 79-
16 5101 et seq., and amendments thereto. The amount of the refund shall be
17 determined in the manner provided by K.S.A. 79-5107, and amendments
18 thereto.

19 Sec. 4. The board of county commissioners may adopt a resolution to
20 establish any policies, procedures, designated body or other related matters
21 for hearings that property owners or their agents may request pursuant to
22 the Riley county unincorporated area nuisance abatement act.

23 Sec. 5. *(a) The legislature declares it is the policy of this state to*
24 *protect and encourage the production and processing of food and other*
25 *agricultural products. As nonagricultural uses of property continue to*
26 *move into agricultural and agribusiness areas, normal agricultural and*
27 *agribusiness activities can find themselves subjected to public and*
28 *private claims of nuisance. Therefore, it is the legislative intent of this*
29 *act to protect agricultural and agribusiness activities from nuisance*
30 *actions. As such, nothing in the Riley county unincorporated area nuisance*
31 *abatement act shall apply to land, structures, machinery and equipment or*
32 *motor vehicles used for an agricultural activity or oil and gas exploration*
33 *and development activity.*

34 *(b)* For purposes of this section, the term "agricultural activity" means
35 the same as defined in K.S.A. 2-3203, and amendments thereto, except
36 such term shall also include real and personal property, machinery,
37 equipment, stored grain and agricultural input products owned or
38 maintained by commercial grain elevators and agribusiness facilities.

39 Sec. 6. The Riley county unincorporated area nuisance abatement act,
40 sections 1 through 6, and amendments thereto, shall expire on July 1, ~~2026~~
41 **2027**.

42 *Sec. 7. (a) The provisions of sections 7 through 12, and*
43 *amendments thereto, shall be known and may be cited as the Crawford*

1 *county unincorporated area nuisance abatement act.*

2 *(b) Before any nuisance abatement process shall be commenced*
3 *under the Crawford county unincorporated area nuisance abatement*
4 *act, Crawford county first shall have obtained a conviction for a county*
5 *code violation resulting from such nuisance within the 12-month period*
6 *prior to the issuance of any order as provided in section 8, and*
7 *amendments thereto.*

8 *(c) (1) The board of county commissioners may order the removal*
9 *or abatement of any nuisance from any lot or parcel of ground within*
10 *the unincorporated area of the county. The board may also order the*
11 *repair or demolition of any structure or the removal or abatement of any*
12 *other type of nuisance.*

13 *(2) The order shall provide that all costs associated with the*
14 *abatement shall be paid by the owner of the property on which the*
15 *nuisance is located.*

16 *Sec. 8. (a) Whenever the board of county commissioners or other*
17 *agency designated by the board files with the Crawford county clerk a*
18 *statement, in writing, describing a nuisance and declaring that such*
19 *nuisance is a menace and dangerous to the health of the inhabitants of*
20 *the county, the board of county commissioners, by resolution, may make*
21 *such determination and issue an order requiring the nuisance be*
22 *removed or abated.*

23 *(b) Except as provided by subsection (c), the board of county*
24 *commissioners shall order the owner of the property to remove and*
25 *abate the nuisance within not less than 10 days, to be specified in the*
26 *order. The board or its designated representative may grant extensions*
27 *of the time period indicated in the order. The order shall state that,*
28 *before the expiration of the waiting period or any extension, the*
29 *recipient may request a hearing before the board or its designated*
30 *representative. The order shall be served on the owner by personal*
31 *service in accordance with K.S.A. 60-303, and amendments thereto.*

32 *(c) If the owner of the property has failed to accept delivery or*
33 *otherwise failed to effectuate receipt of a notice sent pursuant to this*
34 *section during the preceding 24-month period, the board of county*
35 *commissioners may provide notice of the issuance of any further orders*
36 *to abate or remove a nuisance from the property in the manner provided*
37 *by subsection (d) or as provided in this subsection. The board may*
38 *provide notice of the order by such methods, including, but not limited*
39 *to, door hangers conspicuously posting notice of the order on the*
40 *property, personal notification, telephone communication or first-class*
41 *mail. If the property is unoccupied and the owner is a nonresident,*
42 *notice provided by this section shall be given by telephone*
43 *communication or first-class mail.*

1 ***(d) If the owner of the property fails to comply with the order for a***
2 ***period longer than that named in the order or any extensions of such***
3 ***time period, the board of county commissioners may proceed to order the***
4 ***repair or demolition of any structure and have the items described in the***
5 ***order removed and abated from the lot or parcel of ground. If the county***
6 ***abates or removes the nuisance, the county shall give notice to the***
7 ***owner, by certified mail, with return receipt requested, of the total cost of***
8 ***the abatement or removal incurred by the county. The notice also shall***
9 ***state that payment of the cost is due and payable within 60 days***
10 ***following the mailing of the notice.***

11 ***(e) If the cost of the removal or abatement is not paid within the 60-***
12 ***day period, the cost shall be assessed and charged against the lot or***
13 ***parcel of land on which the nuisance was located. If the cost is to be***
14 ***assessed, the county clerk, at the time of certifying other county taxes,***
15 ***shall certify the costs, and the county clerk shall extend the cost on the***
16 ***tax roll of the county against the lot or parcel of land. Such cost shall be***
17 ***collected by the county treasurer.***

18 ***(f) In assessing the cost of removal and abatement of a nuisance,***
19 ***the county shall subtract from the total cost of the abatement or removal***
20 ***incurred by the county the value of the property removed or abated. If***
21 ***the value of the property removed or abated is greater than the cost of***
22 ***the removal or abatement incurred by the county, the county shall pay***
23 ***the owner the difference. If the value of the property is contested, the***
24 ***property owner may request a hearing before the board or its designated***
25 ***representative prior to the 60 days following receipt of notice of costs***
26 ***due and payable under subsection (d).***

27 ***(g) All orders and notices shall be served on the owner of record or,***
28 ***if there is more than one owner of record, then on at least one such***
29 ***owner.***

30 ***(h) Any decision of the board of county commissioners or its***
31 ***designated representative is subject to review in accordance with the***
32 ***Kansas judicial review act.***

33 ***Sec. 9. Crawford county may remove and abate from property,***
34 ***other than public property or property open to use by the public, a motor***
35 ***vehicle determined to be a nuisance. Disposition of such vehicles shall***
36 ***be in compliance with the procedures for impoundment, notice and***
37 ***public auction provided by K.S.A. 8-1102(a)(2), and amendments***
38 ***thereto. Following any sale by public auction of a vehicle determined to***
39 ***be a nuisance, the purchaser may file proof with the division of vehicles,***
40 ***and the division shall issue a certificate of title to the purchaser of the***
41 ***motor vehicle. If a public auction is conducted but no responsible bid is***
42 ***received, the county may file proof with the division of vehicles, and the***
43 ***division shall issue a certificate of title of the motor vehicle to the***

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

6 *Sec. 10. The board of county commissioners may adopt a resolution*
7 *to establish any policies, procedures, designated body or other related*
8 *matters for hearings that property owners or their agents may request*
9 *pursuant to the Crawford county unincorporated area nuisance*
10 *abatement act.*

11 *Sec. 11. (a) The legislature declares it is the policy of this state to*
12 *protect and encourage the production and processing of food and other*
13 *agricultural products. As nonagricultural uses of property continue to*
14 *move into agricultural and agribusiness areas, normal agricultural and*
15 *agribusiness activities can find themselves subjected to public and*
16 *private claims of nuisance. Therefore, it is the legislative intent of this*
17 *act to protect agricultural and agribusiness activities from nuisance*
18 *actions. As such, nothing in the Crawford county unincorporated area*
19 *nuisance abatement act shall apply to land, structures, machinery and*
20 *equipment or motor vehicles used for an agricultural activity or oil and*
21 *gas exploration and development activity.*

22 *(b) For purposes of this section, the term "agricultural activity"*
23 *means the same as defined in K.S.A. 2-3203, and amendments thereto,*
24 *except such term shall also include real and personal property,*
25 *machinery, equipment, stored grain and agricultural input products*
26 *owned or maintained by commercial grain elevators and agribusiness*
27 *facilities.*

28 *Sec. 12. The Crawford county unincorporated area nuisance*
29 *abatement act, sections 7 through 12, and amendments thereto, shall*
30 *expire on July 1, 2027.*

31 *Sec. 7 13. This act shall take effect and be in force from and after its*
32 *publication in the statute book.*