

1 **As Amended by House Committee**

2
3 **As Amended by Senate Committee**

4 *Session of 2003*

5
6 **SENATE BILL No. 167**

7
8 By Committee on Elections and Local Government

9
10 2-6

11
12 ~~AN ACT relating to cities; relating to nuisance abatement; amending~~
13 ~~K.S.A. 12-1617c and repealing the existing section.~~

14 **AN ACT concerning cities and counties; relating to the powers and**
15 **duties of the governing bodies thereof; amending K.S.A. 12-**
16 **1617e and 19-2680 and K.S.A. 2002 Supp. 19-2681 and 19-2685**
17 **and repealing the existing sections.**

18
19 *Be it enacted by the Legislature of the State of Kansas:*

20 ~~Section 1. K.S.A. 12-1617c is hereby amended to read as follows: 12-~~
21 ~~1617c. (a) The governing body of any city shall have the power to have~~
22 ~~removed or abated from any lot or parcel of ground within the city any~~
23 ~~and all nuisances, including rank grass, weeds or other vegetation and~~
24 ~~shall have the power to cause to be drained any pond or ponds of water,~~
25 ~~at the cost and expense of the owner of the property on which the nu-~~
26 ~~sance is located, whenever the city, county or joint board of health or~~
27 ~~other agency as may be designated by the governing body of the city files~~
28 ~~with the clerk of such city its statement in writing that such nuisance,~~
29 ~~rank vegetation, or pond of water, describing the same and where located,~~
30 ~~is a menace and dangerous to the health of the inhabitants of the city, or~~
31 ~~of any neighborhood, family or resident of the city. The governing body~~
32 ~~of the city, by resolution, also may make such determination.~~

33 ~~—The city clerk shall issue notice requiring the owner or agent of the~~
34 ~~owner of the premises to remove and abate from the premises the thing~~
35 ~~or things therein described as a nuisance within a time, not exceeding 10~~
36 ~~days, to be specified in the notice. The notice shall state that before the~~
37 ~~expiration of the waiting period, the recipient thereof may request a hear-~~
38 ~~ing before the governing body or its designated representative. The **ini-**~~
39 ~~**tial** notice shall be served on the owner or agent of such property by~~
40 ~~certified mail, return receipt requested **first class regular mail**, or by~~
41 ~~personal service, or if the same is unoccupied and the owner is a nonres-~~
42 ~~ident, then by mailing a notice by certified mail, return receipt requested~~
43 ~~**first class regular mail**, to the last known address of the owner. If the~~

~~owner or agent fails to comply with the requirement of the notice for a period longer than that named in the notice, the city shall proceed to have the things described in the **second** notice removed and abated from the lot or parcel of ground. The city shall give notice to the owner or agent by certified mail, return receipt requested, of the total cost of such abatement or removal incurred by the city. Such notice also shall state that payment of such cost is due and payable within 30 days following receipt of such notice. The city also may recover the cost of providing notice, including any postage, required by this section. If the cost of such removal or abatement and notice is not paid within the thirty-day *30-day* period, the cost shall be collected in the manner provided by K.S.A. 12-1-115, and amendments thereto, or shall be assessed and charged against the lot or parcel of ground on which the nuisance was located. If the cost is to be assessed, the city clerk, at the time of certifying other city taxes to the county clerk, shall certify such costs, and the county clerk shall extend the same on the tax roll of the county against the lot or parcel of ground, and it shall be collected by the county treasurer and paid to the city as other city taxes are collected and paid. The city may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1-115, and amendments thereto, but only until the full cost and any applicable interest has been paid in full.~~

~~— (b) Any city may remove and abate from property other than public property or property open to use by the public a motor vehicle determined to be a nuisance. Disposition of such vehicle shall be in compliance with the procedures for impoundment, notice and public auction provided by paragraph (2) of subsection (a) of K.S.A. 8-1102, and amendments thereto. Following any sale by public auction of a vehicle determined to be a nuisance, the purchaser may file proof thereof with the division of vehicles, and the division shall issue a certificate of title to the purchaser of such motor vehicle. If a public auction is conducted, but no responsible bid received, the city may file proof thereof with the division of vehicles, and the division shall issue a certificate of title of such motor vehicle to the city. Any person whose motor vehicle has been disposed of pursuant to this subsection shall be eligible for a refund of the tax imposed pursuant to K.S.A. 79-5101 *et seq.*, and amendments thereto. The amount of such refund shall be determined in the manner provided by K.S.A. 79-5107, and amendments thereto.~~

~~— Sec. 2. K.S.A. 12-1617e is hereby repealed.~~

Section 1. K.S.A. 12-1617e is hereby amended to read as follows: 12-1617e. (a) The governing body of any city shall have the power to *may* have removed or abated from any lot or parcel of ground within the city any and all nuisances, including rank grass, weeds or other vegetation and shall have the power to cause to be. *The*

1 governing body may have drained any pond or ponds of water, at the
2 cost and expense of the owner of the property on which the nui-
3 sance is located, whenever the city, county or joint board of health
4 or other agency as may be designated by the governing body of
5 the city files with the clerk of such city its statement in writing that
6 such nuisance, rank vegetation, or pond of water, describing the
7 same and where located, is a menace and dangerous to the health
8 of the inhabitants of the city, or of any neighborhood, family or
9 resident of the city. The governing body of the city, by resolution,
10 also may make such determination.

11 ~~The city clerk shall issue notice requiring~~ (b) *Except as provided by*
12 *subsection (c), the governing body of the city shall order the owner or*
13 *agent of the owner of the premises property to remove and abate*
14 *from the premises property the thing or things therein described as*
15 *a nuisance within a time, not exceeding 10 days, to be specified in*
16 *the notice. The notice order. The order shall state that before the*
17 *expiration of the waiting period, the recipient thereof may request*
18 *a hearing before the governing body or its designated represen-*
19 *tative. The notice order shall be served on the owner or agent of*
20 *such property by certified mail, return receipt requested, or by*
21 *personal service, or if the same. If the property is unoccupied and*
22 *the owner is a nonresident, then by mailing a notice the order by*
23 *certified mail, return receipt requested, to the last known address*
24 *of the owner.*

25 (c) *If the owner or agent of the owner of the property has been or-*
26 *dered to remove or abate a nuisance from the same property for two or*
27 *more times within a twenty-four-month period, the governing body may*
28 *provide notice of the issuance of any further orders to abate or remove a*
29 *nuisance from such property in the manner provided by subsection (b)*
30 *or as provided by this subsection. Except as specifically provided by this*
31 *subsection, the governing body may provide notice of the order by such*
32 *methods including, but not limited to, door hangers, conspicuously post-*
33 *ing notice of such order on the property, personal notification, telephone*
34 *communication or first class mail. If the property is unoccupied and the*
35 *owner is a nonresident, notice provided by this section shall be given by*
36 *telephone communication or first class mail.*

37 (d) **If the owner or agent fails to comply with the requirement**
38 **of the notice order for a period longer than that named in the notice**
39 **order, the city shall proceed to have the things described in the**
40 **notice order removed and abated from the lot or parcel of ground.**
41 *If the city abates or removes the nuisance, the city shall give notice to*
42 *the owner or agent by certified mail, return receipt requested, of*
43 *the total cost of such abatement or removal incurred by the city.*

1 Such notice also shall state that payment of such cost is due and
2 payable within 30 days following receipt of such notice. The city
3 also may recover the cost of providing notice, including any post-
4 age, required by this section. If the cost of such removal or abate-
5 ment and notice is not paid within the thirty-day period, the cost
6 shall be collected in the manner provided by K.S.A. 12-1,115, and
7 amendments thereto, or shall be assessed and charged against the
8 lot or parcel of ground on which the nuisance was located. If the
9 cost is to be assessed, the city clerk, at the time of certifying other
10 city taxes to the county clerk, shall certify such costs, and the
11 county clerk shall extend the same on the tax roll of the county
12 against the lot or parcel of ground, and it shall be collected by the
13 county treasurer and paid to the city as other city taxes are col-
14 lected and paid. The city may pursue collection both by levying a
15 special assessment and in the manner provided by K.S.A. 12-1,115,
16 and amendments thereto, but only until the full cost and any ap-
17 plicable interest has been paid in full.

18 ~~(b)~~(e) Any city may remove and abate from property other than
19 public property or property open to use by the public a motor
20 vehicle determined to be a nuisance. Disposition of such vehicle
21 shall be in compliance with the procedures for impoundment, no-
22 tice and public auction provided by paragraph (2) of subsection (a)
23 of K.S.A. 8-1102, and amendments thereto. Following any sale by
24 public auction of a vehicle determined to be a nuisance, the pur-
25 chaser may file proof thereof with the division of vehicles, and the
26 division shall issue a certificate of title to the purchaser of such
27 motor vehicle. If a public auction is conducted, but no responsible
28 bid received, the city may file proof thereof with the division of
29 vehicles, and the division shall issue a certificate of title of such
30 motor vehicle to the city. Any person whose motor vehicle has been
31 disposed of pursuant to this subsection shall be eligible for a re-
32 fund of the tax imposed pursuant to K.S.A. 79-5101 *et seq.*, and
33 amendments thereto. The amount of such refund shall be deter-
34 mined in the manner provided by K.S.A. 79-5107, and amend-
35 ments thereto.

36 **New Sec. 2.** The area comprising the county of Douglas is
37 hereby designated as an urban area as permitted by section 17 of
38 article 2 of the constitution of the state of Kansas.

39 **Sec. 3.** K.S.A. 19-2680 is hereby amended to read as follows:
40 **19-2680.** Any county which has been declared to be an urban area
41 under the provisions of K.S.A. 19-2654 ~~is hereby authorized to or~~
42 ~~section 2, and amendments thereto, may~~ **adopt, and from time to time**
43 **amend, a charter for the government of such county. Such charter**

1 shall provide for the exercise of powers of local legislation and
2 administration not inconsistent with general law or the constitu-
3 tion of the state of Kansas, and may:

4 (a) Fix the boundaries of each county commissioner's district,
5 provide a method for changing them from time to time, and fix the
6 number, term, and compensation of the commissioners and their
7 method of election, and shall define and outline duties and powers
8 of the county commissioners;

9 (b) provide for the exercise of such powers similar or identical
10 to the powers permitted under K.S.A. 19-101 and ~~article 39 of chap-~~
11 ~~ter 12 of the Kansas Statutes Annotated 12-3901 et seq., and amendments~~
12 ~~thereto;~~

13 (c) provide in the charter a method for its amendment;

14 (d) determine the distribution of legislative and administrative
15 duties of the county officials, provide for consolidation or expan-
16 sion of services as necessary, authorize the appointment of a
17 county administrator or a county manager, and prescribe the gen-
18 eral structure of county government ; and

19 (e) authorize the appointment of or elimination of elective of-
20 ficials and offices within the charter similar or identical to that
21 authorization permitted the board of county commissioners under
22 ~~article 39 of chapter 12 of the Kansas Statutes Annotated K.S.A. 12-3901~~
23 ~~et seq., and amendments thereto.~~

24 **Sec. 4. K.S.A. 2002 Supp. 19-2681 is hereby amended to read**
25 **as follows: 19-2681. (a) The board of county commissioners of any**
26 **county which has been declared to be an urban area under the**
27 **provisions of K.S.A. 19-2654 or section 2, and amendments thereto,**
28 **may establish a charter commission for such county for the pur-**
29 **pose of studying, proposing, drafting or amending a charter for**
30 **the government of such county. The charter commission shall be**
31 **established by resolution and shall be appointed in the manner**
32 **and have the powers and duties as hereinafter provided.**

33 (b) A new charter commission shall not be established until
34 four years after the date of the establishment of a prior
35 commission.

36 **Sec. 5. K.S.A. 2002 Supp. 19-2685 is hereby amended to read**
37 **as follows: 19-2685. (a) The proposed charter shall be submitted**
38 **by the charter commission to the board of county commissioners**
39 **and. Subject to the provisions of subsection (b), the board of county**
40 **commissioners shall submit the proposed charter to the electors**
41 **of the county at the general election next following submission of**
42 **the final report in which all qualified electors of the county are**
43 **eligible to vote. In submitting such proposed charter to the board**

1 of county commissioners, the charter commission may submit al-
2 ternative sections or articles to the board of county commissioners.
3 Any alternative sections or articles shall be submitted by the board
4 of county commissioners for approval or rejection by the electors.
5 Any section or article of a proposed charter which affects the size
6 or structure of the board of county commissioners may be sub-
7 mitted at the same election at which the proposed charter is sub-
8 mitted but shall be submitted as a separate question on the ballot.
9 An affirmative vote of a majority of the qualified electors voting
10 on the question shall be required for the adoption of such charter.

11 *(b) The board of county commissioners of a county designated an*
12 *urban area pursuant to section 2, and amendments thereto, may reject a*
13 *proposed charter submitted to such board pursuant to subsection (a). If*
14 *the board rejects the proposed charter, the charter shall not be submitted*
15 *for approval to the electors of the county and such proposed charter shall*
16 *not be adopted.*

17 **Sec. 6. K.S.A. 12-1617e and 19-2680 and K.S.A. 2002 Supp. 19-**
18 **2681 and 19-2685 are hereby repealed.**

19 Sec. ~~6~~ 7. This act shall take effect and be in force from and after its
20 publication in the statute book.

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