

**SENATE BILL No. 52**

By Committee on Ways and Means

1-21

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

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

5 Section 1. (a) Sections 1 through 5, 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) (1) 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 the repair or  
18 demolition of any structure, or the removal or abatement of any other type  
19 of nuisance.

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

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

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 board or its designated representative may grant extensions of the time  
34 period indicated in the order. The order shall state that before the  
35 expiration of the waiting period or any extension, the recipient may  
36 request a hearing before the board or its designated representative. The

1 order shall be served on the owner or agent of the property by certified  
2 mail, return receipt requested, or by personal service. If the property is  
3 unoccupied and the owner is a nonresident, then service shall be given by  
4 mailing the order by certified mail, return receipt requested, to the last  
5 known address of the owner.

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

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

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

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

43 Sec. 3. Sedgwick county may remove and abate from property, other

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

16 Sec. 4. The board of county commissioners may adopt a resolution to  
17 establish any policies, procedures, designated body or other related matters  
18 for hearings that property owners or their agents may request pursuant to  
19 this act.

20 Sec. 5. Nothing in the Sedgwick county urban area nuisance act shall  
21 apply to land, structures, machinery and equipment or motor vehicles used  
22 for agricultural purposes.

23 Sec. 6. This act shall take effect and be in force from and after its  
24 publication in the statute book.