

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.

3
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. (a) Sections 1 through-5 6, and amendments thereto, shall
6 be known and may be cited as the Sedgwick county urban area nuisance
7 **abatement** act.

8 (b) Sedgwick county has been declared an urban area under K.S.A.
9 19-2654, and amendments thereto, as permitted by section 17 of article 2
10 of the constitution of the state of Kansas.

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

16 (d) (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 Sedgwick 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 ~~or agent of the property by certified~~
3 ~~mail, return receipt requested, or by personal service~~ ***in accordance with***
4 ***K.S.A. 60-303, and amendments thereto.*** ~~If the property is unoccupied~~
5 ~~and the owner is a nonresident, then service shall be given by mailing the~~
6 ~~order by certified mail, return receipt requested, to the last known address~~
7 ~~of the owner.~~

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

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

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

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

1 and payable under subsection (d).

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

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

8 Sec. 3. Sedgwick county may remove and abate from property, other
9 than public property or property open to the use by the public, a motor
10 vehicle determined to be a nuisance. Disposition of such vehicles shall be
11 in compliance with the procedures for impoundment, notice and public
12 auction provided by K.S.A. 8-1102(a)(2), and amendments thereto.
13 Following any sale by public auction of a vehicle determined to be a
14 nuisance, the purchaser may file proof with the division of vehicles, and
15 the division shall issue a certificate of title to the purchaser of the motor
16 vehicle. If a public auction is conducted, but no responsible bid is
17 received, the county may file proof with the division of vehicles, and the
18 division shall issue a certificate of title of the motor vehicle to the county.
19 Any person whose motor vehicle has been disposed of pursuant to this
20 section shall be eligible for a refund of the tax imposed pursuant to K.S.A.
21 79-5101 et seq., and amendments thereto. The amount of the refund shall
22 be determined in the manner provided by K.S.A. 79-5107, and
23 amendments thereto.

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

28 Sec. 5. Nothing in the Sedgwick county urban area nuisance
29 ***abatement*** act shall apply to land, structures, machinery and equipment or
30 motor vehicles used for ~~an~~ agricultural purposes activity. ***For purposes of***
31 ***this section, the term "agricultural activity" means the same as defined***
32 ***in K.S.A. 2-3203, and amendments thereto, except such term shall also***
33 ***include real and personal property, machinery, equipment, stored grain***
34 ***and agricultural input products owned or maintained by commercial***
35 ***grain elevators and agribusiness facilities.***

36 ***Sec. 6. The Sedgwick county urban area nuisance abatement act,***
37 ***sections 1 through 6, and amendments thereto, shall expire on July 1,***
38 ***2024.***

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