

SENATE BILL No. 52

By Committee on Ways and Means

1-21

Proposed Amendments to SB 52
Balloon #5
Senate Committee on Local Government
Prepared by: Office of Revisor of Statutes
February 1, 2021

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, 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.

an

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