

SENATE BILL No. 170

By Committee on Education

2-12

1 AN ACT concerning counties; relating to the abatement of nuisances.

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

4 Section 1. (a) The governing body of any county may have removed
5 or abated from any lot or parcel of ground within the unincorporated area
6 of the county any and all nuisances, including rank grass, weeds or other
7 vegetation. The governing body may have drained any pond or ponds of
8 water, at the cost and expense of the owner of the property on which the
9 nuisance is located, whenever the county, city or joint board of health or
10 other agency as may be designated by the governing body of the county
11 files with the clerk of such county its statement in writing that such
12 nuisance, rank vegetation or pond of water, describing the same and where
13 located, is a menace and dangerous to the health of the inhabitants of the
14 county, or of any neighborhood, family or resident of the county. The
15 governing body of the county, by resolution, also may make such
16 determination.

17 (b) Except as provided by subsection (c), the governing body of the
18 county shall order the owner or agent of the owner of the property to
19 remove and abate from the property the thing or things therein described
20 as a nuisance within a time, not exceeding 10 days, to be specified in the
21 order. The governing body of the county shall grant extensions of such ten-
22 day time period if the owner or agent of the property demonstrates that due
23 diligence is being exercised in abating the nuisance. The order shall state
24 that before the expiration of the waiting period or any extension thereof,
25 the recipient thereof may request a hearing before the governing body or
26 its designated representative. The order shall be served on the owner or
27 agent of such property by certified mail, return receipt requested, or by
28 personal service. If the property is unoccupied and the owner is a
29 nonresident, then by mailing the order by certified mail, return receipt
30 requested, to the last known address of the owner.

31 (c) If the owner or agent of the owner of the property has failed to
32 accept delivery or otherwise failed to effectuate receipt of a notice sent
33 pursuant to this section during the preceding 24-month period, the
34 governing body of a county may provide notice of the issuance of any
35 further orders to abate or remove a nuisance from such property in the
36 manner provided by subsection (b) or as provided in this subsection.

1 Except as specifically provided in this subsection, the governing body may
2 provide notice of the order by such methods including, but not limited to,
3 door hangers, conspicuously posting notice of such order on the property,
4 personal notification, telephone communication or first class mail. If the
5 property is unoccupied and the owner is a nonresident, notice provided by
6 this section shall be given by telephone communication or first class mail.

7 (d) If the owner or agent fails to comply with the requirement of the
8 order for a period longer than that named in the order, the county shall
9 proceed to have the things described in the order removed and abated from
10 the lot or parcel of ground. If the county abates or removes the nuisance,
11 the county shall give notice to the owner or agent by certified mail, return
12 receipt requested, of the total cost of such abatement or removal incurred
13 by the county. Such notice also shall state that payment of such cost is due
14 and payable within 30 days following receipt of such notice. The county
15 also may recover the cost of providing notice, including any postage,
16 required by this section. If the cost of such removal or abatement and
17 notice is not paid within the 30-day period, the cost shall be collected in
18 the manner provided for cities by K.S.A. 12-1,115, and amendments
19 thereto, or shall be assessed and charged against the lot or parcel of ground
20 on which the nuisance was located. If the cost is to be assessed, the county
21 clerk, at the time of certifying other county taxes, shall certify such costs,
22 and the county clerk shall extend the same on the tax roll of the county
23 against the lot or parcel of ground, and it shall be collected by the county
24 treasurer. The county may pursue collection both by levying a special
25 assessment and in the manner provided for cities by K.S.A. 12-1,115, and
26 amendments thereto, but only until the full cost and any applicable interest
27 has been paid in full.

28 (e) Any county may remove and abate from property other than
29 public property or property open to use by the public a motor vehicle
30 determined to be a nuisance. Disposition of such vehicle shall be in
31 compliance with the procedures for impoundment, notice and public
32 auction provided by paragraph (2) of subsection (a) of K.S.A. 8-1102, and
33 amendments thereto. Following any sale by public auction of a vehicle
34 determined to be a nuisance, the purchaser may file proof thereof with the
35 division of vehicles, and the division shall issue a certificate of title to the
36 purchaser of such motor vehicle. If a public auction is conducted, but no
37 responsible bid received, the county may file proof thereof with the
38 division of vehicles, and the division shall issue a certificate of title of
39 such motor vehicle to the county. Any person whose motor vehicle has
40 been disposed of pursuant to this subsection shall be eligible for a refund
41 of the tax imposed pursuant to K.S.A. 79-5101 et seq., and amendments
42 thereto. The amount of such refund shall be determined in the manner
43 provided by K.S.A. 79-5107, and amendments thereto.

1 Sec. 2. This act shall take effect and be in force from and after its
2 publication in the statute book.