

**80-1513. Same; appeal to county commissioners; notice and hearing; inclusion of new lands; annexation of territory of district.** (a) In the event the township board approves the creation of the fire district either as petitioned for or as modified, any landowner within such district, within 30 days after such publication, may appeal from the action of the township board to the board of county commissioners of the county in which the township is located. Such appeal shall be in writing and shall state the objections to the action of the township board and a copy thereof shall be filed with the township board. Within 30 days after the filing of such an appeal, the board of county commissioners shall fix a time and place for hearing the appeal and give notice thereof by publication for two weeks in a newspaper of general circulation in the township. The date of the hearing shall be not more than 10 days after the date of the last publication, nor more than 60 days after the filing of such appeal. At such hearing or within 10 days thereafter the board of county commissioners shall either approve or reject the creation of the fire district as fixed by the township board or may modify the same by excluding certain areas therefrom.

(b) If any territory included in any fire district created under the provisions of this act is thereafter included within the corporate limits of any city, such territory shall continue to be within and a part of the fire district. Subject to the provisions of K.S.A. 19-270, if any such fire district is located in a county having a population of not less than 90,000, and in which there is a city of the first class having a population of less than 50,000, new lands may be included in the district whenever a petition requesting such inclusion is filed with the governing body of the district, signed by the owners, whether residents of the county or not, of at least 10% of the area of the lands sought to be included, which petition shall conform, as near as may be possible, to the petition required for the organization of a fire district. If the governing body shall find the petition is sufficient, the governing body may adopt and publish a resolution attaching the lands described in the petition to the fire district. The resolution shall be published once each week for two consecutive weeks in a newspaper of general circulation in the area where the lands are located, and if within 30 days after the last publication thereof, a petition protesting the inclusion of such lands, signed by the owners, whether residents of the county or not, of more than 19% of the area of the lands sought to be included in the fire district is filed with the governing body, the resolution shall have no force or effect. If such a protest petition shall not be filed within the time, the resolution shall become final, and the lands shall be deemed attached to the fire district. Any such fire district may include land or territory within the boundaries of an incorporated city, but only with the approval of such city. In any such case the governing body shall declare the new boundary of the district by the adoption and publication of a resolution in like manner as the boundaries were declared at the time of the original organization thereof.

(c) All territory which was a part of a fire district when created under the authority of this act and which was thereafter annexed by a city maintaining a fire department shall be, and hereby is, removed from such fire district if the same was or is in a township located in a county having a population of more than 138,000 and less than 175,000, and such territory shall be under the jurisdiction of the city which annexed the territory and shall be served by fire protection services of such city. Such territory shall continue to be liable for the payment of any outstanding bonded indebtedness existing at the time that this act becomes effective. From and after the effective date of this act, any territory in a fire district created under the authority of this act, located in a township as described in this subsection, shall no longer be a part of the fire district after the effective date of such annexation; however, such territory shall continue to be liable for the payment of any outstanding bonded indebtedness existing at the time of the effective date of such annexation. Such territory shall be under the jurisdiction of the city so annexing and such city shall provide fire protection to such newly annexed territory from and after the date such annexation becomes effective.

**History:** L. 1947, ch. 482, § 2; L. 1949, ch. 499, § 1; L. 1953, ch. 466, § 1; L. 1957, ch. 525, § 1; L. 1961, ch. 465, §1; L. 1979, ch. 75, § 9; L. 1986, ch. 70, § 35; May 15.