

RESOLUTION NO. _____

Published on: _____

Effective Upon Publication

A RESOLUTION MODIFYING CHAPTER 19 OF THE *SEDGWICK COUNTY CODE* REGARDING THE NUISANCE ABATEMENT CODE BY RESCINDING SEDGWICK COUNTY RESOLUTION NO. 187-2001.

WHEREAS, the Board of County Commissioners established a Nuisance Abatement Code pursuant to Resolution No. 187-2001 on December 12, 2001; and

WHEREAS, in *Barnes v. Board of County Commissioners of Cowley County*, 47 Kan.App.2d 353 (2012), the Court of Appeals of Kansas held that counties cannot participate in the abatement of nuisances, nor can the costs of abating such nuisances be assessed against the property; and

WHEREAS, in light of the holding in the *Barnes* case, the County's Nuisance Abatement Code can no longer be utilized, as a matter of law; and

WHEREAS, the Board of County Commissioners believes it would be appropriate to rescind Resolution No. 187-2001.

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, AMENDS THE *SEDGWICK COUNTY CODE* AS FOLLOWS:

SECTION 1. SEDGWICK COUNTY RESOLUTION NO. 187-2001 IS RESCINDED.

Sedgwick County Resolution No. 187-2001 is hereby rescinded. Accordingly, Chapter 19, Article III of the *Sedgwick County Code* is also rescinded and the nuisance abatement hearing panel established per Sec. 19-49 of the *Sedgwick County Code* is dissolved.

SECTION 2. PUBLICATION AND EFFECTIVE DATE.

Upon the adoption of this Resolution, the Clerk of Sedgwick County shall publish this Resolution once in the official County newspaper and it shall become effective upon publication.

Commissioners present and voting were:

DAVID M. UNRUH
MICHAEL B. O'DONNELL, II
DAVID T. DENNIS
RICHARD RANZAU
JAMES M. HOWELL

Dated this _____ day of _____, 2018.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

ATTEST:

KELLY B. ARNOLD, County Clerk

DAVID T. DENNIS, Chairman
Commissioner, Third District

DAVID M. UNRUH, Chair Pro Tem
Commissioner, First District

APPROVED AS TO FORM:



JUSTIN M. WAGGONER
Assistant County Counselor

MICHAEL B. O'DONNELL, II
Commissioner, Second District

RICHARD RANZAU
Commissioner, Fourth District

JAMES M. HOWELL
Commissioner, Fifth District