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Sedgwick County

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Legislation Details (With Text)

File #: 18-056 **Version:** 2 **Name:**
Type: Consent **Status:** Consent Agenda
File created: 1/11/2018 **In control:** Board of Sedgwick County Commissioners
On agenda: 1/23/2018 **Final action:**
Title: Resolution to Modify Chapter 19 of the Sedgwick County Code Regarding the Nuisance Abatement Code by Rescinding Sedgwick County Resolution 187-2001.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Resolution to Rescind Nuisance Abatement Code

Date	Ver.	Action By	Action	Result
1/23/2018	2	Board of Sedgwick County Commissioners	Approved on the Consent Agenda	

Resolution to Modify Chapter 19 of the Sedgwick County Code Regarding the Nuisance Abatement Code by Rescinding Sedgwick County Resolution 187-2001.

Recommended Action: Approve the resolution to modify Chapter 19 of the Sedgwick County Code.

The Board of County Commissioners established a Nuisance Abatement Code pursuant to Resolution No. 187-2001 on December 12, 2001. This built upon the existing Nuisance Code and included that the County could undertake a number of steps (complete with notice, a hearing, and an appeals panel) in order to take self-help measures and to clean-up those properties found in violation and subsequently not corrected by the property owner. This abatement would then be billed to the property owner or the cost assessed against the property. In 2012, 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. 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 is currently not enforced as a matter of policy. This action will also dissolve the Nuisance Appeals Board that was created by the resolution and members appointed by the BOCC. It is appropriate that Resolution No. 187-2001 be rescinded unless or until such time as a legislative change in Kansas State Statute occurs.

Alternatives: To not approve the modification.

Financial Considerations: None. Resolution 187-2001 is currently not enforced as a matter of policy.

Legal Considerations: This action is permitted pursuant to K.S.A. 19-101 et seq. Approval is by simple majority vote. Additional legal considerations surrounding the *Barnes* case are included above within the body of this entry.

Policy Considerations:

