

February 14, 2023

To: Kansas Senate Committee on Local Government

From: Carl R. Wood, County Commissioner, Jim Emerson, County Counselor

Subject: Proponent of SB162

Dear Chair McGinn and Members of the Committee:

I am here today to speak in support of Senate Bill 162 on behalf of the Board of Crawford County Commissioners. This bill will give Riley County the ability to abate nuisances and place a special assessment against property in violation of the nuisance resolution.

Historically, counties used home rule resolutions to abate nuisances. These resolutions were patterned after those found in cities where a city has authority to abate a nuisance, bill the taxpayer and if the bill is unpaid, place a special assessment against the property. Counties operated under that same system until 2012 when the Kansas Court of Appeals decided *Barnes v Board of County Commissioners of Cowley County* and determined that a County cannot use home rule powers to abate nuisances. The Court ruled that counties must use the enforcement procedures contained in K.S.A. 19-101d which include injunction, fine and/or imprisonment.

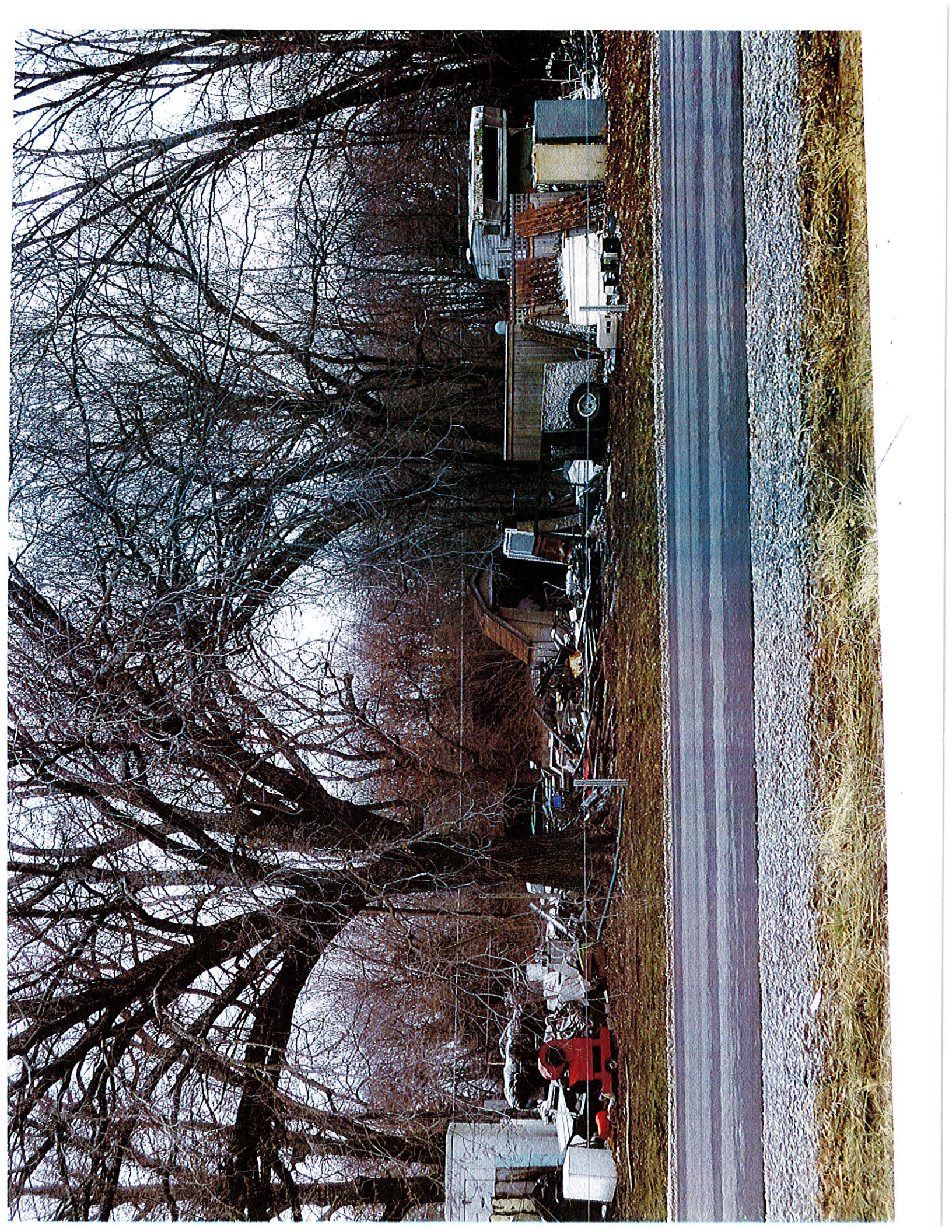
As Crawford County has found in the 13 years since the Barnes case was decided, fines and or jail time are often inadequate to solve the nuisance problem. In Crawford County we send violation notices by certified mail. If the nuisance remains, we issue the offending party a citation and summons to appear in codes court. If no action is taken to clean up the property the person can be found guilty and fined by the court. This results in a month's long process resulting in a fine to the violator meanwhile the nuisance remains. County Commissioners, the public and county employees charged with enforcing the nuisance code end up frustrated at the lack of progress with these cases because the County's only option is to cite them again in codes court.

Attached to this testimony is a short narrative and pictures of three of the worst sites in Crawford County. I ask for your support of SB 162. Should the committee choose to work SB 162, we ask that Crawford County be included into the bill. Thank you for your consideration and allowing me to speak today in support of Senate Bill 162. I would be happy to answer questions at the appropriate time.

Property #1

This property has been in violation since early 2012. Several attempts to have him clean-up went ignored until 2015, with the help of the state, the property was cleaned-up and paid for by the state. The cost of this clean-up was roughly \$20,000. After 2015, the property owner proceeded to fill the property up with junk and various debris. The property owner has refused to communicate with the Nuisance Officer. The county has made several attempts to purchase the property and clean it up. This problem is a public health hazard and is beyond what codes court can handle.









Property #2

This property has been in violation since 2012. Due to the repeal of "Home Rule", the property owner ignored all attempts by the Nuisance Officer to clean-up until the establishment of Codes Court. The property owner was then summoned in February and August of 2018 to Codes Court. Some work was done to the property and then stalled. In 2022, the property owner did contact the Nuisance Officer after reaching out regarding a complaint filed and stated work would be done. However, no work was done. This property will be going to Codes Court in March 2023.







Property #3

This property has been in violation from March 2016 onward. It was partially cleaned-up in early 2017 (by the property owner), but has since become continually worse. The property owner has been in codes court in January 2019, August 2021 and September 2021. (the gap in dates represents the COVID-19 Pandemic when all courts were closed down) The Nuisance Officer is continually sending letters asking them to clean-up, to no avail. In this last year, the property owner has added a second dilapidated camper on the property and another wrecked, inoperable vehicle. The property owner will be summoned for March 2023 Codes Court.





