

RESOLUTION NO. 014-2018

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 SEDGWICK COUNTY RESOLUTION NO. 187-2001 IS RESCINDED.**

Sedgwick County Resolution No. 187-2001 is hereby rescinded. Accordingly, Chapter 19, Article III of the *Sedgwick County Code* is also rescinded and the nuisance abatement hearing panel established per Sec. 19-49 of the *Sedgwick County Code* is dissolved.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

Aye  
Aye  
Aye  
Aye  
Aye

Dated this 23<sup>rd</sup> day of January, 2018.

BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

ATTEST:

*David T. Dennis*

DAVID T. DENNIS, Chairman  
Commissioner, Third District

*for Karen B. Arnold*

KELLY B. ARNOLD, Clerk



*David M. Unruh*

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

APPROVED AS TO FORM:

*Michael B. O'Donnell, II*

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

*Justin M. Waggoner*

JUSTIN M. WAGGONER  
Assistant County Counselor

*Richard Ranzau*

RICHARD RANZAU  
Commissioner, Fourth District

*James M. Howell*

JAMES M. HOWELL  
Commissioner, Fifth District