

RESOLUTION 06-04

A RESOLUTION TO ESTABLISH A COUNTY WIDE PROGRAM FOR THE ERADICATION OF PRAIRIE DOGS IN CHEYENNE COUNTY, KANSAS.

WHEREAS, there is a rapidly growing over population of prairie dogs in Cheyenne County, Kansas; and,

WHEREAS, it has been determined by the Cheyenne County, Kansas, Commissioners that certain actions must be taken to eradicate or reduce the population of prairie dogs; and,

WHEREAS, K.S.A. 80-1202 et seq. does not provide Cheyenne County an effective, workable and inexpensive procedure for the eradication of prairie dogs in Cheyenne County, Kansas; and,

WHEREAS, K.S.A. 19-101a (a) state that counties are empowered to transact all county business and perform such powers of local legislation and administration as they deem appropriate subject only to certain limitations, restrictions, or prohibitions; and,

WHEREAS, K.S.A. 19-101a (b) states that if no statutory limitations, restrictions, or prohibitions exist, and it is not contrary to any act of the legislature, counties may, by home rule, adopt a resolution to perform such powers of local legislation and administration as the counties deem appropriate; and,

WHEREAS, there are no statutory limitations, restrictions, or prohibitions against counties adopting local legislation for the eradication of prairie dogs within its borders and that such local legislation is not contrary to any act of the legislature.

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Cheyenne County, Kansas:

1. In addition to duties now prescribed by law for counties in the State of Kansas, Cheyenne County, Kansas may do and perform the following services:

That Cheyenne County, Kansas may hire an individual necessary and enter upon the lands in Cheyenne County, Kansas infested with prairie dogs and make diligent efforts to exterminate all prairie dogs thereon. For the purpose of enabling this to be performed and carried into effect, Cheyenne County is authorized and empowered to employ all such assistance and to purchase suitable poison, equipment and materials as said county deems necessary to exterminate prairie dogs. Said extermination shall be performed under the supervision and direction of the Board of County Commissioners and its authorized personnel.

2. That before Cheyenne County, through its agents, enters upon the lands for the purpose of eradication of prairie dogs, said county shall give written notice to the land owner or land owners, as the case may be, that prairie dogs now exist on his or their property and that he or they should make a diligent effort to control said prairie dogs. Said notice shall further advise the land owner or land owners, as the case may be, that failure to make use of the materials offered or provided by Cheyenne County or failure to make diligent efforts to control prairie dogs upon his or their land by methods prescribed by Cheyenne County within fifteen (15) days after the date specified in said written notice, Cheyenne County, through its authorized agents, may enter upon the land and use the necessary methods and materials to eradicate prairie dogs thereon.

3. That if it becomes necessary for Cheyenne County to enter upon the lands for the purpose of eradication of prairie dogs as set out in section 2 above, the Board of County Commissioners shall immediately notify the land owner or land owners, as the case may be, with an itemized statement of the costs for said eradication and further give notice that such amount shall become a lien upon the real estate. If the landowner or landowners, as the case may be, fail to pay such costs within thirty (30) days, such costs will be assessed against the property and the County Clerk shall place the same on the tax

roll against such property and said costs shall be collected by the County Treasurer and paid to the county as other taxes are collected and paid.

4. Landowners that choose to keep prairie dogs on their property may inform the County Commissioners of their intention. They may be responsible for costs associated with the eradication of prairie dogs on the neighboring properties if it is determined that they have failed to make diligent efforts to keep the prairie dogs contained within their own property. Enforcement of this provision will require the same notice procedure as provided for in paragraph 2 and the costs may also be assessed against the property as provided for in paragraph 3.

This resolution adopted this 31st day of May, 2006.

BOARD OF COUNTY COMMISSIONERS
OF CHEYENNE COUNTY, KANSAS

Andy Beikman, Chairman

Ray Lee

Jane Brubaker