

Thomas



County

300 N. Court
Colby, Kansas 67701

**COUNTY
COMMISSIONERS**

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Ken Christiansen

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County Treasurer
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Road Supervisor
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Clair L. Schrock
Noxious Weed Director
460-4560

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Landfill Supervisor
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Health Director
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Susan McMahan
Emergency
Management Director
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Ken Gatlin
EMS Director
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Resolution No. 2008-16

WHEREAS, the Board of County Commissioners of Thomas County, Kansas has found that it is in the best interest of all citizens of the County that the Board exercise its authority to control the infestation of prairie dogs in the County;

WHEREAS, this finding is based upon the Board's consideration of its police powers to protect the public health, welfare and safety, such powers having been left to local government by the Tenth Amendment to the United States Constitution, and by the Kansas Constitution and legislature;

WHEREAS, exercise of the authority mandated to the County by K.S.A. 80-1202 is necessitated by consideration of the public health from the standpoint of potential plague problems associate with prairie dogs, and considerations of public welfare related to the economic stability of the landowners who make up the economic structure and social cohesiveness of the County;

WHEREAS, in accordance with these findings, and pursuant to K.S.A. 80-1202, after a written complaint is filed with the County, and the County Attorney provides written notice to the owner of the property that is infested with prairie dogs, and within fifteen (15) days after the date specified in the written notice of rectification of the problem, the property owner has not endeavored to control the prairie dogs according to the methods prescribed by the Board, this Board of County Commissioners of Thomas County must exercise its authority to enter upon the land and use the necessary supplies to control the prairie dogs on the property;

WHEREAS, interference by the offending landowner with the County's efforts to control prairie dogs will prevent the effective and efficient exercise of the County's authority to protect the public health, safety and welfare;

WHEREAS, such interference by the offending landowner would be an interference with the County's exercise of its lawful police powers;

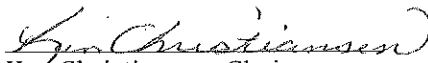
WHEREAS, such interference by the offending landowner would thus be an act against the public health, safety and welfare, and cannot be tolerated as an obstruction to public order,

THEREFORE, It is Hereby Resolved that any resistance to the County's exercise of its authority and obligation to control prairie dogs by an offending landowner by placement of livestock in a manner that interferes with application of control substances, or by locking of gates to prevent entry for purpose if control, or by use of other methods of preventing entry by the County, shall result in imposition of a find of One Hundred (\$100) Dollars per day per infested area, said fine to continue for day to day for every day with the resistance to entry in continued;

THEREFORE, this Resolution thus provides that such dine be assessed against an offending landowner in accordance with the provisions of this Resolution;

Provided that this Resolution shall take effect and be effective upon its publication in the official newspaper of general circulation, which serves as the official newspaper for publication of public notices, this 30th day of December, 2008.


Board of County Commissioners
Thomas County, Kansas



Ken Christiansen, Chairman


Paul M. Steele, Member



Attest:


Shelly A Harms, County Clerk


Byron Sowers, Member