



STATE OF KANSAS

Office of the Attorney General

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CURT T. SCHNEIDER
Attorney General

June 24, 1975

Opinion No. 75-260

Mr. H. Scott Beims
Assistant City Attorney
City of Atwood
Atwood, Kansas 67730

Dear Mr. Beims:

K.S.A. 1974 Supp. 65-3410(a) states in pertinent part thus:

"On or before the first day of July of each calendar year, the board of county commissioners of any county, may, by resolution establish a schedule of fees to be imposed on real property within any county solid waste service area In establishing the schedule of fees, the board of county commissioners shall classify the real property within the county solid waste service area based upon the various uses to which the real property is put, the volume of waste occurring from the different land uses and any other factors that the board determines would reasonably relate the waste disposal fee to the real property upon which it would be imposed."

The subsection goes on to prescribe that the board shall set a reasonable fee for each category so established, impose appropriate fees upon each division of land, and provide for the billing and collection of such fees. As to "[a]ny fees authorized pursuant to this section which remain unpaid for a period of sixty (60) or more days after the date upon which they were billed," such delinquent fees may be collected by the procedure set out in this subsection, and may become a lien upon the respective parcels of land.

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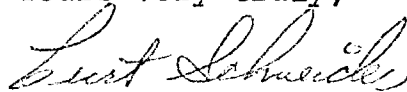
Concerning cities, the subsection states thus:

"Any city collecting solid waste fees or charges may collect delinquent fees or charges for garbage and trash storage, collection and disposal in the manner provided for counties."

We agree with you that the quoted language pertaining to cities deals only with the collection of *delinquent* fees, and not with the establishment of such charges. Thus, the city need not classify real property in the city, establish reasonable fees for each category, or notify affected property owners of the schedule of fees. This procedure, pertaining only to the establishment of fees, applies only to counties. Cities, by the express terms of the subsection, may avail themselves of the procedure for the collection of delinquent fees, but are not subject to the procedure prescribed for counties for the establishment of fees in the first instance.

Thus, to answer your question specifically, it is not necessary for the city to classify property and notify the affected owners thereof of the classification and schedule of fees before delinquent fees may be placed of record as a lien against the property.

Yours very truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj