

(2) (I) WHEN MAKING A DETERMINATION REGARDING THE EXISTENCE, IMMINENCE, AND GRAVITY OF A STATE OF NUISANCE, THE SECRETARY SHALL CONSULT APPROPRIATE EXPERTS AND ANY OTHER AVAILABLE SCIENTIFIC RESOURCES.

(II) THE DEPARTMENT SHALL INVESTIGATE AND DETERMINE, TO THE EXTENT POSSIBLE, THE PERSON WHO IS CAUSING OR HAS CAUSED THE STATE OF NUISANCE.

(3) (I) THE DEPARTMENT MAY SEIZE A NUISANCE ORGANISM THAT HAS CREATED OR WILL FORESEEABLY CREATE A STATE OF NUISANCE.

(II) THE DEPARTMENT MAY DISPOSE OF A SEIZED NUISANCE ORGANISM IN ANY MANNER DEEMED APPROPRIATE.

(D) (1) IF THE SECRETARY FINDS THAT A STATE OF NUISANCE EXISTS BUT DOES NOT PRESENT AN IMMINENT DANGER TO THE HEALTHY BALANCE OF AN ECOSYSTEM, THE SECRETARY SHALL SERVE A WRITTEN NOTICE TO THE PERSON WHO IS CAUSING DETERMINED TO HAVE CAUSED THE STATE OF NUISANCE AND ORDER THE PERSON TO ABATE THE STATE OF NUISANCE WITHIN A TIME SPECIFIED IN THE NOTICE.

(2) THE NOTICE SHALL BE SERVED:

(I) ON THE PERSON WHO IS CAUSING DETERMINED TO HAVE CAUSED THE STATE OF NUISANCE; OR

(II) IF THE PERSON WHO IS CAUSING DETERMINED TO HAVE CAUSED THE STATE OF NUISANCE CANNOT BE FOUND, ON THE OWNER OR OCCUPANT OF THE ~~PROPERTY~~ PROPERTY:

1. WHERE THE STATE OF NUISANCE EXISTS; OR

2. THAT MUST BE ENTERED TO ACCESS OR ABATE THE STATE OF NUISANCE.

(3) IF THE PERSON SERVED WITH THE NOTICE UNDER PARAGRAPH (2)(I) OF THIS SUBSECTION FAILS TO COMPLY WITH THE REQUIREMENTS OF THE NOTICE OR IF THE PERSON COMPLIES BUT THE STATE OF NUISANCE IS LIKELY TO RECUR ON THE SAME PROPERTY, THE SECRETARY MAY FILE A COMPLAINT IN THE CIRCUIT COURT FOR THE COUNTY WHERE THE STATE OF NUISANCE EXISTS.

(4) A COMPLAINT FILED UNDER PARAGRAPH (3) OF THIS SUBSECTION MAY SEEK A COURT ORDER REQUIRING THE PERSON ~~SERVED WITH THE NOTICE~~ TO:

(I) COMPLY WITH THE REQUIREMENTS OF THE SECRETARY'S ABATEMENT NOTICE;

(II) ABATE THE STATE OF NUISANCE WITHIN A TIME SPECIFIED IN THE ORDER; OR

(III) PREVENT THE STATE OF NUISANCE FROM RECURRING.