

(5) (I) THIS PARAGRAPH APPLIES TO A PERSON SERVED WITH A NOTICE UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION.

(II) 1. IF THE PERSON VOLUNTARILY ABATES THE STATE OF NUISANCE WITHIN THE TIME SPECIFIED IN THE NOTICE, THE DEPARTMENT SHALL REIMBURSE ALL REASONABLE COSTS OF ABATEMENT.

2. IF THE PERSON CONSENTS, THE DEPARTMENT MAY ENTER THE PROPERTY AND, AT THE DEPARTMENT'S EXPENSE, DO ANY WORK AND USE ANY MATERIALS NECESSARY TO ABATE THE STATE OF NUISANCE.

(III) IF THE PERSON DOES NOT VOLUNTARILY ABATE THE STATE OF NUISANCE WITHIN THE TIME SPECIFIED IN THE NOTICE AND REFUSES TO ALLOW THE DEPARTMENT TO ENTER ON THE PROPERTY FOR THE PURPOSE OF ABATING THE STATE OF NUISANCE, THE SECRETARY MAY FILE A COMPLAINT IN THE CIRCUIT COURT FOR THE COUNTY WHERE THE STATE OF NUISANCE EXISTS.

(IV) A COMPLAINT FILED UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH MAY SEEK A COURT ORDER REQUIRING THE PERSON TO ALLOW THE DEPARTMENT TO:

1. ENTER ON THE PROPERTY; AND

2. AT THE EXPENSE OF THE DEPARTMENT, DO ANY WORK AND USE ANY MATERIALS NECESSARY TO ABATE THE STATE OF NUISANCE.

(V) IF THE DEPARTMENT ABATES A STATE OF NUISANCE UNDER THIS PARAGRAPH, THE DEPARTMENT SHALL:

1. MAKE REASONABLE EFFORTS TO REPAIR ANY PROPERTY DAMAGE CAUSED BY ABATEMENT ACTIVITIES; OR

2. REIMBURSE THE PERSON FOR REPAIR OR REPLACEMENT COSTS ASSOCIATED WITH DAMAGES CAUSED BY ABATEMENT ACTIVITIES.

(E) (1) IF THE SECRETARY DETERMINES THAT A STATE OF NUISANCE EXISTS THAT PRESENTS AN IMMINENT DANGER TO THE HEALTHY BALANCE OF AN ECOSYSTEM, THE SECRETARY MAY SUMMARILY ABATE THE STATE OF NUISANCE.

(2) BEFORE SUMMARILY ABATING A STATE OF NUISANCE UNDER THIS SUBSECTION, THE SECRETARY SHALL, AS APPROPRIATE:

(I) IF THE OWNER, TENANT, OR OTHER OCCUPANT OF THE PROPERTY WHERE THE STATE OF NUISANCE EXISTS IS REASONABLY BELIEVED TO ~~BE RESPONSIBLE FOR~~ HAVE CAUSED THE STATE OF NUISANCE, SERVE AN ABATEMENT ORDER ON THE OWNER, TENANT, OR OTHER OCCUPANT;

(II) IF THE PROPERTY IS UNOCCUPIED AND THE OWNER CANNOT BE FOUND, ATTACH AN ABATEMENT ORDER TO THE PROPERTY WHERE THE STATE OF NUISANCE EXISTS; OR