

(E) (1) A HEALTH OFFICER MAY FILE A COMPLAINT IN THE CIRCUIT COURT FOR THE COUNTY WHERE THE NUISANCE EXISTS IF:

(I) THE PERSON SERVED WITH THE NOTICE UNDER THIS SECTION FAILS TO COMPLY WITH THE REQUIREMENTS OF THE NOTICE; OR

(II) ALTHOUGH THE PERSON SERVED WITH A NOTICE UNDER THIS SECTION COMPLIES WITH THE REQUIREMENTS OF THE NOTICE, THE NUISANCE IS LIKELY TO RECUR ON THE SAME PROPERTY.

(2) A COMPLAINT FILED UNDER THIS SUBSECTION MAY SEEK A COURT ORDER REQUIRING THE INDIVIDUAL SERVED WITH A NOTICE UNDER SUBSECTION (B) OF THIS SECTION TO:

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

(II) ABATE THE NUISANCE WITHIN A SPECIFIED TIME;

(III) PREVENT THE NUISANCE FROM RECURRING; OR

(IV) PAY A FINE OF NOT MORE THAN \$1,000.

20-307.

(a) [On the written complaint of 2 physicians or of at least 3 persons who claim to be affected by the condition, the Secretary shall investigate any complaint that any of the following is in a condition that injures any adjacent property or that is dangerous to human health:

(1) Any watercourse, well, spring, open ditch, gutter, cesspool, drain, outhouse, pigpen, or other place.

(2) Any accumulation or deposit of offensive or noxious matter.

(3) Any house, building, trades establishment, or manufacturing place.

(4) Any water in which mosquito larvae breed] THE SECRETARY MAY INVESTIGATE ANY SUSPECTED NUISANCE.

(b) (1) If the Secretary finds that [the condition of the place or thing investigated may injure any adjacent property or may injure the life or health of any individual, the place or thing is in a state of nuisance and] A NUISANCE EXISTS, the Secretary shall serve a written notice to the person who is causing the nuisance, ordering the person to abate the nuisance within a time specified in the notice.

(2) The notice shall be served:

(i) On the person who is causing the nuisance; or

(ii) If the person who is causing the nuisance cannot be found, on the owner or occupant of the property where the nuisance exists.

(c) (1) The Secretary may file a complaint in the circuit court for the county where the nuisance exists if: