



1 responsibility of any owner or lessee of real property to ensure  
2 that their real property is regularly maintained to prevent:

3 (1) The proliferation of invasive species, including but  
4 not limited to plants, shrubs, grasses, or other  
5 vegetation that are known to spread aggressively and  
6 threaten native ecosystems and are already listed as  
7 noxious, restricted, or prohibited species by county,  
8 state, or federal authorities;

9 (2) Conditions that raise the risk of wildfires, such as  
10 excessive accumulation of dry vegetation, debris, or  
11 other combustible materials; and

12 (3) Public safety hazards, including overgrowth of  
13 vegetation that obstructs pathways, roads, or access  
14 for emergency responders.

15 § -2 **Penalties.** (a) Any owner or lessee of real  
16 property whose property has been determined by the applicable  
17 state or county agency to pose environmental or public safety  
18 risks as set forth in section -1 shall be issued a written  
19 notice of violation specifying the necessary corrective actions  
20 to be completed within a reasonable time limit, not to exceed  
21 thirty days.



1 (b) Failure to comply within the time limit pursuant to  
2 subsection (a) shall result in:

3 (1) A civil fine of no less than \$1,000 and no more than  
4 \$10,000 per violation;

5 (2) An additional fine of \$100 per day for continued  
6 noncompliance by the owner or lessee of the real  
7 property beyond the initial notice period; and

8 (3) Requiring the reimbursement of costs incurred by the  
9 State or county for remediation efforts undertaken due  
10 to noncompliance by the owner or lessee of the real  
11 property.

12 (c) The penalties shall be levied against the owner or  
13 lessee of the real property, as applicable.

14 § -3 **Exceptions.** Exceptions may be granted by the State  
15 or a county for:

16 (1) Real property that is under active restoration,  
17 conservation, or agricultural management plans  
18 approved by the State or county; or

19 (2) Circumstances deemed beyond the reasonable control of  
20 the owner or lessee of the real property, as  
21 determined by the applicable state or county agency.



1           §   -4   **Procedures for implementation of chapter.** (a) The  
2 department of agriculture shall adopt rules pursuant to chapter  
3 91 to implement this chapter, including procedures for  
4 inspection, enforcement, appeals, and the collection of fines  
5 related to the proliferation of invasive species.

6           (b) The office of the state fire marshal shall adopt rules  
7 pursuant to chapter 91 to implement this chapter, including  
8 procedures for inspection, enforcement, appeals, and the  
9 collection of fines related to wildfire prevention and reduction  
10 of other public safety hazards; provided that the office of the  
11 state fire marshal may delegate the inspection, enforcement,  
12 appeal, and collection of fines to the respective county fire  
13 departments.

14           (c) Each county shall adopt ordinances to implement this  
15 chapter, including procedures for inspection, enforcement,  
16 appeals, and the collection of fines.

17           §   -5   **Fines; purposes.** (a) Any state or county agency  
18 that takes an enforcement action pursuant to this chapter shall  
19 collect any applicable fines.

20           (b) Any fines collected pursuant to this chapter shall be  
21 expended by the applicable agency under subsection (a) for:



- 1 (1) Invasive species control projects;
- 2 (2) Wildfire prevention and response initiatives; or
- 3 (3) Community education and outreach on real property
- 4 maintenance and environmental safety.

5 § -6 **Other responsibilities and requirements.** Nothing  
6 in this chapter shall be construed to release any owner or  
7 lessee of real property from any other responsibility or  
8 requirement to maintain their real property pursuant to law,  
9 including section 339-5."

10 SECTION 3. This Act does not affect rights and duties that  
11 matured, penalties that were incurred, and proceedings that were  
12 begun before its effective date.

13 SECTION 4. This Act shall take effect on July 1, 3000.



**Report Title:**

Real Property Maintenance; Neglect; Fines; Enforcement; State; Counties

**Description:**

Requires owners or lessees of real property to maintain their property and establish penalties for failure to do so. Allows for exceptions. Requires DOA to establish rules for the enforcement and collection of fines for violations relating to the proliferation of invasive species. Requires the Office of the State Fire Marshal to adopt rules for the enforcement and collection of fines for violations relating to the prevention of wildfires and other public safety hazards. Effective 7/1/3000. (HD1)

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