

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

4 (1) The proliferation of invasive species, including but
5 not limited to plants, shrubs, grasses, or other
6 vegetation that are known to spread aggressively and
7 threaten native ecosystems;

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

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

14 § -2 **Penalties.** (a) Any owner, lessee, or manager of
15 real property whose property has been determined by the
16 applicable state or county agency to pose environmental or
17 public safety risks as set forth in section -1 shall be
18 issued a written notice of violation specifying the necessary
19 corrective actions to be completed within a reasonable time
20 limit, not to exceed 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, lessee, or manager of the
7 real 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, lessee, or manager of
11 the real property.

12 (c) The penalties shall be levied against the owner,
13 lessee, or manager 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, lessee, or manager 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 land and natural resources and department of
3 health shall adopt rules pursuant to chapter 91 to implement
4 this chapter, including procedures for inspection, enforcement,
5 appeals, and the collection of fines.

6 (b) Each county shall adopt ordinances to implement this
7 chapter, including procedures for inspection, enforcement,
8 appeals, and the collection of fines.

9 § **-5 Fines; purposes.** (a) Any state or county agency
10 that takes an enforcement action pursuant to this chapter shall
11 collect any applicable fines.

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

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

18 § **-6 Other responsibilities and requirements.** Nothing
19 in this chapter shall be construed to release any owner, lessee,
20 or manager of real property from any other responsibility or



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1 requirement to maintain their real property pursuant to law,
2 including section 339-5."

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

6 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: *James J. ...*



S.B. NO. 1080

Report Title:

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

Description:

Requires owners, lessees, or managers of real property to maintain their property and establish penalties for failure to do so. Allows for exceptions.

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