

**219.380 Powers of cabinet and local health departments -- Duties of public prosecutors.**

- (1) The cabinet may administer the provisions of KRS 219.310 to 219.410 through the respective local health department concerned. Officials and employees of the cabinet and of local health departments are empowered to enter upon the premises of any community at any reasonable time for the purposes set forth in KRS 219.310 to 219.410.
- (2) The cabinet or local health department concerned, after notice to the applicant or holder of a permit to operate, construct, or alter a community, and after an opportunity for a hearing, is authorized to deny, suspend, or revoke a permit in any case where it finds that there has been a failure to comply with the requirements established under KRS 219.310 to 219.410 or the administrative regulations promulgated by the secretary. Hearings shall be in accordance with KRS Chapter 13B.
- (3) It shall be the duty of each Commonwealth's attorney, county attorney, city attorney, or Attorney General within their respective jurisdiction to whom the cabinet or local health department or its agents report any violation of KRS 219.310 to 219.410, to enforce the provisions of KRS 219.310 to 219.410.
- (4) Nothing in KRS 219.310 to 219.410 shall be construed as requiring the cabinet or local health department to report for the institution of proceedings under KRS 219.310 to 219.410, violations of KRS 219.310 to 219.410, whenever the cabinet or local health department concerned believes that the public interest will be adequately served in the circumstances by a suitable written order.
- (5) Notwithstanding the existence or pursuit of any other civil or criminal remedy, the cabinet or local health department concerned may maintain, in its own name, an action to restrain or enjoin any violation of KRS 219.310 to 219.410, irrespective of whether or not there exists an adequate remedy at law.

**Effective:** July 15, 2002

**History:** Amended 2002 Ky. Acts ch. 242, sec. 8, effective July 15, 2002. -- Amended 1996 Ky. Acts ch. 318, sec. 132, effective July 15, 1996. -- Amended 1974 Ky. Acts ch. 74, Art. VI, sec. 107(22). -- Created 1972 Ky. Acts ch. 281, sec. 8.