

224.10-410 Order for discontinuance, abatement, or alleviation of condition or activity without hearing -- Subsequent hearing.

Notwithstanding any inconsistent provisions of law, whenever the secretary finds, after investigation, that any person or combination of persons is causing, engaging in or maintaining a condition or activity which, in his judgment, presents a danger to the health or welfare of the people of the state or results in or is likely to result in damage to natural resources, and relates to the prevention and abatement powers of the secretary and it therefore appears to be prejudicial to the interests of the people of the state to delay action until an opportunity for a hearing can be provided, the secretary may, without prior hearing, order such person or combination of persons by notice, in writing wherever practicable or in such other form as in the secretary's judgment will reasonably notify such person or combination of persons whose practices are intended to be proscribed, to discontinue, abate or alleviate such condition or activity, and thereupon such person or combination of persons shall immediately discontinue, abate or alleviate such condition or activity. As soon as possible thereafter, not to exceed ten (10) days, the secretary shall provide the person or combination of persons an opportunity to be heard and to present proof that such condition or activity does not violate the provisions of this section. The secretary shall adopt any other appropriate rules and regulations prescribing the procedure to be followed in the issuance of such orders. The secretary shall immediately notify the Governor of any order issued pursuant to this section.

Effective: June 21, 1974

History: Amended 1974 Ky. Acts ch. 74, Art. III, secs. 1, and 13(2), effective June 21, 1974; and ch. 355, sec. 5, effective June 21, 1974. -- Created 1972 (1st Extra. Sess.) Ky. Acts ch. 3, sec. 21, effective January 1, 1973.

Formerly codified as KRS 224.071.