

**149.401 City or county ordinance banning open burning during fire hazard periods.**

- (1) Without limiting the general authority granted to a county by KRS 67.083 and the general authority granted to a city by KRS 82.082, a city or county may enact an ordinance banning all open burning during periods of extraordinary forest fire hazard or fire occurrence. Such ordinance may authorize the implementation of such a ban by executive order of the chief executive officer upon notice by the division of forestry that a period of extraordinary forest fire hazard or fire occurrence exists.
- (2) Any ordinance promulgated by a city or county pursuant to subsection (1) of this section may establish penalties for violation of the ordinance not to exceed the penalties set forth in KRS 149.990(2).
- (3) Any ordinance promulgated by a city or county pursuant to subsection (1) of this section may be enforced by the promulgating body, or by the cabinet, and referred to the appropriate county or Commonwealth attorney for prosecution.

**Effective:** July 15, 1986

**History:** Created 1986 Ky. Acts ch. 17, sec. 1, effective July 15, 1986.