

227.750 Seizure and sale of fireworks stored and held in violation of chapter -- Notice of proposed disposal of fireworks required -- Administrative hearing -- KRS 227.700 to 227.750 not to conflict with local ordinances.

- (1) The state fire marshal, or any fire department having jurisdiction which has been deputized to act on behalf of the state fire marshal, shall cause to be removed at the expense of the owner all stocks of fireworks which are stored and held in violation of this chapter. After a period of sixty (60) days, the seized fireworks may be offered for sale by closed bid to a properly certified fireworks wholesaler.
- (2) After a period of sixty (60) days, the seized fireworks may be offered for sale by closed bid to a properly certified manufacturer, distributor, or wholesaler. All seized fireworks or explosives with a Class 1.3G or "Display" designation shall require the notification of the United States Bureau of Alcohol, Tobacco, Firearms and Explosives. The state fire marshal shall provide the owner or possessor a receipt containing the complete inventory of any fireworks seized within five (5) business days of the seizure.
- (3) Before any seized fireworks may be disposed of:
 - (a) If the owner of the seized fireworks is known to the state fire marshal, the state fire marshal shall give notice by registered mail or personal service to the owner of the state fire marshal's intention to dispose of the fireworks. The notice shall inform the owner of the state fire marshal's intent. The state fire marshal shall conduct an administrative hearing in accordance with KRS Chapter 13B concerning the disposal of fireworks; or
 - (b) If the identity of the owner of any seized fireworks is not known to the state fire marshal, the state fire marshal shall cause to be published, in a newspaper of general circulation in the county in which the seizure was made, notice of the seizure, and of the state fire marshal's intention to dispose of the fireworks. The notice shall be published once each week for three (3) consecutive weeks. If no person claims ownership of the fireworks within ten (10) days of the date of the last publication, the state fire marshal may proceed with disposal of the fireworks. If the owner does claim the fireworks within ten (10) days of the date of the last publication, a hearing as set out in paragraph (a) of this subsection shall be held
- (4) Nothing in KRS 227.700 to 227.750 shall restrict a local government from enacting ordinances that affect the sale or use of fireworks within its jurisdiction.

Effective: March 16, 2011

History: Amended 2011 Ky. Acts ch. 66, sec. 8, effective March 16, 2011. -- Amended 1982 Ky. Acts ch. 436, sec. 9, effective July 15, 1982. -- Created 1980 Ky. Acts ch. 49, sec. 21, effective July 15, 1980.

Legislative Research Commission Note (3/16/2011). The Reviser of Statutes has corrected a reference to "Bureau of Alcohol, Tobacco and Firearms" in subsection (2) of this statute as enacted in 2011 Ky. Acts ch. 66, sec. 8, to read "Bureau of Alcohol, Tobacco, Firearms and Explosives" to reflect the current name of that agency.