

433.873 Wrongful disturbance or damage to cave surfaces or material found therein.

- (1) It shall be unlawful for any person, without the express, prior, written permission of the owner, to willfully and knowingly:
 - (a) Break, break off, crack, carve upon, write, burn, or otherwise mark upon, remove, or in any manner destroy, disturb, deface, mar or harm the surfaces of any cave or any material which may be found therein, notwithstanding whether such material is attached or broken, including speleothems, speleogens, and sedimentary deposits. The provisions of this section shall not prohibit minimal disturbance for scientific exploration.
 - (b) Break, force, tamper with or otherwise disturb a door, lock, gate, or other obstruction designed to control or prevent access to any cave, even though entrance thereto may not be gained.
 - (c) Place any gate or other obstruction which may restrict the movement of air or animals through such device.
 - (d) Deface, tamper with or remove a sign stating that a cave is posted or citing provisions of this chapter.
 - (e) Excavate, remove, destroy, injure, deface, or in any other manner disturb any burial grounds, historic or prehistoric resources, archaeological or paleontological site or any part thereof, including fossils, bones, relics, inscriptions, saltpeter workings, remains of historical human activity, or any other such features which may be found in any cave, except those caves owned by the Commonwealth or designated as Commonwealth archaeological sites or zones, and which are subject to the provisions of KRS 164.705 to 164.735.
- (2) The entering or remaining in a cave which has not been posted by the owner shall not by itself constitute a violation of this section.

Effective: July 15, 1988

History: Created 1988 Ky. Acts ch. 168, sec. 2, effective July 15, 1988.