

262.430 Board may file petition to compel observance of land-use regulations.

- (1) Where a board finds that any of the provisions of land-use regulations are not being observed on particular lands, and that the nonobservance tends to increase erosion on those lands and is interfering with the prevention or control of erosion on other lands within the district, the board may present to the Circuit Court of the county in which the lands of the defendant lie a verified petition setting forth the adoption of the ordinance prescribing land-use regulations, the failure of the defendant landowner or occupier to observe the regulations and to perform particular work, operations or avoidances as required by the regulations, and that such nonobservance tends to increase erosion on the lands and is interfering with the prevention or control of erosion on other lands within the district. In all cases where the person in possession of lands is not the owner, the owner of the lands shall be joined as party defendant. The petition shall pray the court to require the defendant to perform the work, operations or avoidances within a reasonable time and to order that if the defendant fails to perform the board may go on the land, perform the work or other operations, or otherwise bring the condition of the lands into conformity with the regulations, and recover the costs and expenses thereof, with interest, from the defendant.
- (2) Upon the presentation of the petition, the court shall cause process to be issued against the defendant and shall hear the case. If it appears to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct, and report the evidence to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made.

Effective: October 1, 1942

History: Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 42i-11.