

77.035 Ordinance of city legislative body to be based upon findings of fact.

The legislative body of a city of the first or second class may adopt an ordinance declaring that there is need for an air pollution control district to function if from the evidence received at such public hearing it finds:

- (1) That the air within such city is so polluted with air contaminants as to be injurious to health, or an obstruction to the free use of property, or offensive to the senses of a considerable number of persons, so as to interfere with the comfortable enjoyment of life or property;
- (2) And further that for any reason it is not practical to rely upon the enactment or enforcement of local ordinances to prevent or control the emission of smoke, fumes, or other substances which cause or contribute to such pollution.

Effective: March 14, 1952

History: Created 1952 Ky. Acts ch. 53, sec. 8, effective March 14, 1952.