

352.500 Rights of adjoining owners.

- (1) Each owner, tenant or occupant of land on which a mine is opened and worked, or his superintendent, shall permit any person interested in or having title to any land adjoining the mined property to have ingress and egress with surveyors and assistants to explore and survey the mine at his own expense once a month for the purpose of ascertaining whether or not KRS 352.490 has been violated.
- (2) If the right granted in subsection (1) is refused, complaint may be made before the District Court of the county in which the mine is located, and the court shall issue a summons to the owner, tenant, occupant or superintendent to answer the complaint. On the return of the summons executed, and proof that the complainant has right of entry and has been refused without sufficient cause, the court shall designate an early and convenient time for the entry to be made, and issue an order commanding the sheriff of the county to attend and prevent obstructions and impediments to the entry, exploration and survey. The cost of summons and the fee of the sheriff shall be paid by the person whose refusal occasioned the complaint, unless the court dismisses the complaint, in which case the party making the complaint shall pay the cost and sheriff's fee. Either party may appeal as in other actions.

History: Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 281. -- Amended 1972 Ky. Acts ch. 303, sec. 45. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 2739-52,