

349.145 Authorization for Department of Natural Resources and Attorney General to bring suit in Circuit Court to restrain violations under this chapter.

- (1) Whenever it appears that a person is violating or threatening to violate any provision of this chapter, or any rule, administrative regulation, or order promulgated or issued under this chapter, the department may bring suit against the person in the Circuit Court of the county where the violation occurred or is threatened, the Circuit Court in the county in which the defendant resides or in which any defendant resides if there is more than one (1) defendant, or the Franklin Circuit Court to restrain the person from continuing the violation or from carrying out the threatened violation. In the suit, the court shall have jurisdiction to grant without bond or other undertaking the prohibitory or mandatory injunction as the facts may warrant, including a temporary restraining order or injunction.
- (2) Whenever it appears that any person is violating any provision of this chapter, or any rule, administrative regulation or order promulgated or issued hereunder, the Attorney General or any person who is adversely affected by the violation may bring suit to restrain the violation in any court in which the department might have brought suit. The department shall be made a party defendant in the suit in addition to the person allegedly violating a provision or any rule, administrative regulation, or order promulgated or issued under this chapter.

Effective: July 13, 2004

History: Created 2004 Ky. Acts ch. 65, sec. 29, effective July 13, 2004.

Legislative Research Commission Note (7/13/2004). When this statute was enacted (2004 KY. Acts ch. 65, sec. 29), the word "subchapter" was erroneously included in the first sentence of subsection (2). KRS Chapter 349, which was created in this bill, is not divided into subchapters. This manifest clerical or typographical error has been corrected by changing the word "subchapter" to "chapter" by the Reviser of Statutes pursuant to KRS 7.136.