

224.1-050 Failure to enforce law or regulations -- Demands for enforcement.

Any citizen of this Commonwealth having knowledge that any of the provisions of this chapter or regulations adopted thereunder are willfully and deliberately not being enforced by any public officer or employee, whose duty it is to enforce such provisions of this chapter and regulations thereunder, may bring such failure to enforce the law to the attention of such public officer or employee. To provide against unreasonable and irresponsible demands being made, all such demands to enforce the law must be in writing, under oath, with facts set forth specifically stating the nature of the failure to enforce the law. The stating of false facts and charges in such affidavit shall constitute perjury and shall subject the affiant to penalties provided under the law of perjury. If such public officer or employee neglects or refuses for any unreasonable time after demand to enforce such provision, any such citizen shall have the right to bring an action of mandamus in the Circuit Court of the county in which the operation which relates to the alleged lack of enforcement is being conducted. The court, if satisfied that any provision of this chapter or regulation thereunder is not being enforced, may make an appropriate order compelling the public officer or employee, whose duty it is to enforce such provision, to perform his duties, and upon failure to do so such public officer or employee shall be held in contempt of court and shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

Effective: January 1, 1973

History: Created 1972 (1st Extra. Sess.) Ky. Acts ch. 3, sec. 90, effective January 1, 1973.

KRS 224.01-050 formerly codified as KRS 224.091.

Formerly codified as KRS 224.01-050.