

217.610 Department to issue "stop sale, use or removal" order -- Appeal.

The department shall issue and enforce a written or printed "stop sale, use or removal" order to the owner or custodian of any lot of pesticide and to hold it at a designated place when it finds said pesticide is being offered or exposed for sale in violation of the provisions of KRS 217.542 to 217.630 until the law has been complied with and said pesticide is released in writing or said violation has been otherwise legally disposed of by written authority; provided, that the owner or custodian of such pesticide shall have the right to appeal from such order to a court of competent jurisdiction in the county where the said pesticide or pesticides are found, praying for a judgment as to the justification of said order, and for the discharge of such pesticide from the order prohibiting the sale in accordance with the findings of the court; and, provided further, that the provisions of this paragraph shall not be construed as limiting the right of the enforcement officer to proceed as authorized by other provisions of KRS 217.542 to 217.630. The department shall release the pesticide so withdrawn when the requirements of the provisions of KRS 217.542 to 217.630 have been complied with and upon payment of all costs and expenses incurred in connection with the withdrawal.

Effective: July 15, 1980

History: Amended 1980 Ky. Acts ch. 295, sec. 57, effective July 15, 1980. -- Amended 1974 Ky. Acts ch. 200, sec. 11. -- Created 1956 Ky. Acts ch. 218, sec. 9, effective July 1, 1956.