

602 KAR 50:115. Enforcement procedures; violations.

RELATES TO: KRS 183.861-183.990

STATUTORY AUTHORITY: KRS 183.861

NECESSITY, FUNCTION, AND CONFORMITY: The Kentucky Airport Zoning Commission finds it necessary to establish administrative enforcement procedures whereby a person in violation of the statutes, administrative regulations, orders or permits of the commission may be given notice of the violation or show cause to the commission why he is not in violation as a means to minimize litigation.

Section 1. The commission delegates responsibility to determine apparent violations of its statutes, administrative regulations, orders and permits to its administrator. The administrator shall investigate violations of the statutes, administrative regulations, orders and permits and mail a notice to the person who owns or controls the structure, land, etc., in violation thereof.

Section 2. The notice shall state the location, type of structure and the reasons the structure is in violation of the statutes, administrative regulations, orders or permits of the commission. The person shall be requested to correct the violation within thirty (30) days of the notice or show cause to the commission why compliance should not be enforced.

Section 3. The person to whom the notice is directed pursuant to this administrative regulation may show cause why enforcement should be withheld by filing a written petition for a hearing before the commission. The petition may be in the form of a letter. The petition shall be filed in person or by mail with the Administrator, Kentucky Airport Zoning Commission, Frankfort, Kentucky 40622. The petitioner shall state, if applicable, facts sufficient to show:

- (1) The structure is not an obstruction in the zoned airspace of this state; or
- (2) The structure is in the zoned airspace of this state, but it is not a hazard to the safety of air navigation; and
- (3) Any other facts the petitioner deems relevant that would relieve him from the terms of the order, including a request for an extension of time to remove the structure.
- (4) If the administrator does not receive a petition from a person to whom a notice has been mailed and finds that violation continued during the period allowed in the notice, then the administrator shall refer the matter to the commission for its action in order to determine the appropriate penalties and action for the said violation.

Section 4. If the administrator does not receive a petition from a person to whom a notice has been mailed and finds that the structure has not been removed during the period allowed in the notice, then the administrator shall refer the matter to the commission for its action.

Section 5. The administrator shall set the petition for a hearing to be conducted pursuant to 602 KAR 50:120.

Section 6. The commission may order an injunctive action be instituted in circuit court for the enforcement of applicable statutes, rules, administrative regulations, and orders issued pursuant to this administrative regulation.

(2 Ky.R. 82; eff. 9-10-1975; 10 Ky.R. 450; eff. 1-4-1984; Crt eff. 3-26-2019.)