

**150.735 Placement of primary containment fence -- Expansion of captive cervid facility -- Transfer of permits -- Violation of captive cervid law or regulation -- Rights and potential penalties.**

- (1) An applicant may place his or her primary containment fence on the property line. The department shall not require applicants to set primary containment fences any distance away from the property line.
- (2) Any person who operates a captive cervid facility in accordance with this chapter may petition the department at any time to expand his or her captive cervid facility, provided the expansion is adjacent and connected to his or her existing facility and continues to comply with all applicable statutes and regulations.
- (3) A lawful permit for an existing captive cervid facility may be transferred, along with any related benefits, rights, responsibilities, and liabilities, to any person who purchases or otherwise takes ownership of the land area on which the captive cervid facility exists. Within thirty (30) days of the date of any transfer of permits, the party transferring the permit shall notify the department of the following:
  - (a) Name and address of the party to which the permit is to be transferred;
  - (b) Permit number;
  - (c) Deed indicating change of land ownership; and
  - (d) Any additional information the department deems necessary.
- (4) If any person holding captive cervids is determined in violation of Kentucky statute or administrative regulation pertaining to the holding of those cervids, then that person shall have sixty (60) days from when the violation was identified to come into compliance. The permit holder has the following rights and potential penalties during the sixty (60) day period:
  - (a) During the sixty (60) day period, the permit holder may continue to harvest, sell, or slaughter cervids unless the permit has been suspended in accordance with administrative regulations promulgated by the department;
  - (b) Failure to come into compliance within sixty (60) days of the notice of violation may result in a citation and cause the captive cervids to be immediately seized by the department or the permit to be suspended; and
  - (c) The individual whose cervids were seized or whose permit was suspended under paragraph (a) or (b) of this subsection may request an administrative hearing pursuant to KRS Chapter 13B within thirty (30) days of the issuance of a citation or suspension of the permit and may appeal the final decision to Franklin Circuit Court in accordance with KRS Chapter 13B. Pending the final outcome from all appeals, the seized cervids may be disposed of by the department without compensation to the owner.

**Effective:** June 25, 2009

**History:** Amended 2009 Ky. Acts ch. 62, sec. 4, effective June 25, 2009. -- Created 2006 Ky. Acts ch. 159, sec. 3, effective July 12, 2006.