

179.480 Dust control treatment of county road by producers transporting natural resources thereon.

- (1) Upon a finding by the fiscal court that there exists an unabated dust nuisance on a county road resulting from the transportation of natural resources by truck, said court may require the producers of the natural resources that are being hauled on said road to treat said road to control dust. Said producer or producers shall be notified of the fiscal court's finding by certified mail and shall be afforded a reasonable opportunity to treat said road to control dust prior to the county fiscal court initiating dust control treatment. The cost of treatment shall be apportioned among all producers of natural resources using said road. If a producer does not pay his proportionate share within sixty (60) days of the mailing of the bill, the fiscal court may prohibit the movement of the producer's natural resources on county roads until the charges are paid.
- (2) The proportionate share of costs of any producer shall be determined as the percentage which the tonnage of natural resources hauled by or for the producer over county roads bears to the total tonnage of natural resources hauled on the county roads. The fiscal court shall consult with producers to devise an equitable method for determining proportionate cost shares before instituting charges, but the fiscal court shall be the final authority in determining proportionate costs.
- (3) Treatment of county roads for dust pursuant to this section shall not include paving, or laying of rock.

Effective: July 13, 1984

History: Created 1984 Ky. Acts ch. 373, sec. 1, effective July 13, 1984.