

227.331 Violation of administrative regulations or orders -- Administrative fines -- Enforcement actions.

- (1) Any person who willfully violates any administrative regulation, emergency order, or final order of the state fire marshal shall be subject to suspension or revocation of certificate of authority, occupancy, or other license or permit, or administrative fine not exceeding one thousand dollars (\$1,000) in lieu of suspension or revocation, for violation of the provision to which the administrative regulation or order relates, after notice and hearing in accordance with KRS Chapter 13B.
- (2) It shall be the duty of the state fire marshal, or upon the commissioner's request, of the Attorney General, to bring an action to enforce any proper order made or action taken by the state fire marshal or on his or her authority, or for the recovery of the penalties provided in subsection (1) of this section, and to bring an action for a restraining order or for a temporary or permanent injunction, as the state fire marshal deems necessary for the prevention or correction of a condition constituting or threatening to constitute a violation of this chapter or administrative regulations promulgated thereunder. In any action for a restraining order or for a temporary or permanent injunction, allegations in a verified complaint or affidavit by the state fire marshal deputy or employee that the respondent is in violation of specified fire prevention and protection laws or administrative regulations and the violation or violations present such hazard to human life or limb that the public safety imperatively requires emergency action shall be sufficient under Rule 65 of the Kentucky Rules of Civil Procedure to show that the applicant's rights are being or will be violated and that he or she will suffer immediate and irreparable injury, loss, or damage before notice can be served and a hearing had thereon or pending a final judgment in the action.
- (3) All actions for enforcement, recovery of administrative fines, and injunctive relief for violations of this chapter shall be brought in the name of the Commonwealth of Kentucky by the state fire marshal, or upon the commissioner's request by the Attorney General, in the Circuit Court within which the property involved is located.
- (4) If the state fire marshal has reason to believe that any person has violated any provision of this chapter, for which criminal penalties are provided and in his or her opinion prosecution would be in order, he or she shall give the information relative thereto to the appropriate county attorney, Commonwealth's attorney, or to the Attorney General. The county attorney, Commonwealth's attorney, or Attorney General shall promptly institute any action or proceedings against the person as in his or her opinion the information may require or justify.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 24, sec. 398, effective July 15, 2010. -- Amended 1996 Ky. Acts ch. 318, sec. 141, effective July 15, 1996. -- Created 1978 Ky. Acts ch. 305, sec. 17, effective June 17, 1978.