

**151.297 Orders for remedy -- Action by cabinet -- Contracts or agreements for required work -- Hearings.**

- (1) Whenever the cabinet determines that any person to which a certificate of inspection has been issued has failed to comply with the conditions in said certificate or whenever the cabinet determines that life or property are or may be endangered by the failure or incapacity of any dam, reservoir, levee, embankment, or other water barrier, or by any other cause related to a dam or reservoir, levee, embankment, or other water barrier irrespective of any condition or the lack thereof in the certificate of inspection for said dam or reservoir, or in those instances where no certificate is required on the levee, embankment or other water barrier, the cabinet shall order the owner thereof to take such action as is necessary to render the dam, reservoir, levee, embankment, or other water barrier safe.
- (2) When the cabinet determines that the dam, reservoir, levee, embankment, or other water barrier has been abandoned; or where the owner fails, in the judgment of the cabinet, to take satisfactory action toward compliance with an order, issued pursuant to this section; or where an owner fails to maintain a satisfactory rate of progress toward full compliance therewith; or where in the judgment of the cabinet, the danger to life or property will not permit delay, the cabinet shall declare that an emergency exists and shall take such action as it deems necessary to render the dam, reservoir, levee, embankment, or other water barrier safe, which action may include, but is not limited to:
  - (a) Taking full charge and control of the dam, reservoir, levee, embankment, or other water barrier;
  - (b) Lowering the water level or emptying the reservoir;
  - (c) Performing any necessary remedial or protective work at the site;
  - (d) Taking such other steps as may be necessary to safeguard life and property; or
  - (e) Removing the dam, reservoir, levee, embankment, or other water barrier.
- (3) The cabinet may continue such action until the dam, reservoir, levee, embankment, or other water barrier involved is rendered safe or the emergency requiring the action has ceased. The secretary is authorized to enter into contracts or agreements with other state, local, or federal agencies, or other persons, for work necessary to implement such necessary actions.
- (4) Any person to whom an order is directed pursuant to this section shall comply therewith immediately, but, on petition to the cabinet, may within five (5) working days have a hearing thereon.

**Effective:** June 17, 1978

**History:** Amended 1978 Ky. Acts ch. 206, sec. 2, effective June 17, 1978. -- Amended 1974 Ky. Acts ch. 74, Art. III, sec. 13(9). -- Created 1974 Ky. Acts ch. 285, sec. 10.