

### **177.935 Powers of department.**

The department is hereby empowered to:

- (1) Exercise general supervision of the administration and enforcement of KRS 177.905 to 177.950.
- (2) Promulgate, pursuant to KRS Chapter 13A, administrative regulations pertaining to the operation of automobile, vehicle, machinery, or material recycling establishments or places of business as the commissioner may deem necessary to the administration and enforcement of KRS 177.905 to 177.950.
- (3) Promulgate administrative regulations with respect to the sufficiency, type of material or foliage, height, density, and size of screening required by KRS 177.915 to insure the accomplishment of the purposes of KRS 177.905 to 177.950.
- (4) Promulgate administrative regulations with respect to the procedural aspects of hearings, supplemental to KRS Chapter 13B, the filing of reports and orders, the issuance of permits and other matters.
- (5) Issue, after hearing, final orders abating the operation of an automobile, vehicle, machinery, or material recycling establishments or places of business in violation of the provisions of KRS 177.905 to 177.950, or requiring the adoption of remedial measures including the construction or planting of screens or the utilization of natural screening, extension, modification, or addition to new or existing screens.
- (6) Issue, continue in effect, revoke, modify, or deny under conditions as the department may prescribe and subject to a hearing in accordance with KRS Chapter 13B, permits for the operation of an automobile, vehicle, machinery, or material recycling establishments or places of business.
- (7) Make investigations or inspections which may be deemed necessary by the commissioner to insure compliance with the provisions of KRS 177.905 to 177.950, or with any administrative regulations or orders of the department which may be deemed necessary to enable the department to administer and enforce the provisions of KRS 177.905 to 177.950.
- (8) Institute in a court of competent jurisdiction procedures, including injunctive relief, to compel compliance with the provisions of KRS 177.905 to 177.950 and with the final orders and administrative regulations issued pursuant thereto.
- (9) Enter at any reasonable time through any officer, assistant, agent, or employee in or upon any public or private property for the purpose of investigation and inspection of conditions relating to the operation of any automobile, vehicle, machinery, or material recycling establishments or places of business.
- (10) Perform any other acts as may be necessary, proper, or desirable in order to carry out effectively the duties and responsibilities of the department prescribed in KRS 177.905 to 177.950.

**Effective:** July 15, 1996

**History:** Amended 1996 Ky. Acts ch. 318, sec. 64, effective July 15, 1996. -- Amended 1978 Ky. Acts ch. 114, sec. 5, effective June 17, 1978. -- Amended 1974 Ky. Acts ch. 74, Art. IV, sec. 20(1). -- Amended 1966 Ky. Acts ch. 162, sec. 4. -- Created 1962 Ky. Acts ch. 249, sec. 7.