

SECTION 41: FUGITIVE DUST

41.1 Prohibitions:

41.1.1 Any Person engaged in activities involving the dismantling or demolition of buildings, grubbing, grading, clearing of land, public or private construction, the operation of machines and equipment, the grading of roads, Trenching operations, the operation and use of Unpaved Parking facilities, Agricultural Operations, use and operation of livestock arenas, horse arenas and feed lots, and operation and use of raceways for Motor Vehicles shall take all reasonable precautions to abate Fugitive Dust from becoming airborne from such activities. Reasonable precautions may include, but are not limited to the conditions agreed upon in the Permit for the project, sprinkling, compacting, enclosure, chemical, or asphalt sealing, cleaning up, sweeping, or such other measures as the Control Officer may specify to accomplish satisfactory results.

41.1.1.1 The following circumstances represent examples of Fugitive Dust becoming airborne:

- a) a visible plume of dust, resulting from construction activities, which extends more than 100 yards from the point of origin or beyond the nearest property line, whichever is less;
- b) visible dust Emissions on an unpaved road at a construction site being used by haul trucks;
- c) visible dust Emissions generated by vehicles traveling over mud and dirt carried out to a paved road near or adjacent to a construction site.

41.1.1.2 A visible plume of dust resulting from construction activities which extends more than 50 yards from the point of origin, but less than 100 yards and which has not crossed the nearest property line may be subject to an issuance of a Notice of violation including an order to take corrective action for which no penalty will be assessed.

41.1.2 No Person shall cause or permit the handling, transporting, or storage of any material in a manner which allows or may allow controllable particulate matter to become airborne;

41.1.3 Sand and abrasive blasting operation will not be permitted unless effective enclosures or other such dust control devices including but not limited to the injection of water have been installed to prevent excessive sand and dust dispersal.

41.2 Off-road vehicle and motocross racing;

- 41.2.1 No Person shall cause, permit, or allow the conduct of off-road vehicle racing or motocross racing within the designated boundaries of a PM₁₀ nonattainment area or an area subject to a PM₁₀ maintenance plan defined under 42 U.S. Code § 7505a unless adequate dust control measures are provided and approved in advance by the Control Officer.
- 41.2.2 Motocross racing will only be permitted at permanent motocross race courses within a PM₁₀ nonattainment area or an area subject to a PM₁₀ maintenance plan defined under 42 U.S. Code § 7505a.
- 41.2.3 Permanent motocross race courses, within a PM₁₀ nonattainment area or an area subject to a PM₁₀ maintenance plan defined under 42 U.S. Code § 7505a, shall be registered with and permitted by the Control Officer in accordance with Subsections 15.1 and 15.6.
- 41.3 Correction of condition:
- 41.3.1 If loose sand, dust, or dust particles are found to exist in excess of acceptable limits, as determined by the Control Officer, the Control Officer shall notify the owner, lessee, occupant, operator, or user of said land that said situation is to be corrected within a specified period of time, dependent upon the scope and extent of the problem. The failure to correct said situation within the specified period of time shall be in violation of this section.
- 41.4 Remedial Action:
- 41.4.1 The Control Officer, his designated agent, or any other authorized representative of the Clark County Board of County Commissioners, after due notice shall be further empowered to enter upon any said land where any sand or dust problem exists, and to take such remedial and corrective action as may be deemed appropriate to cope with and relieve, reduce, or remedy the existent sand and dust situation and condition, when the Owner, occupant, Operator, or any tenant, lessee, or holder of any possessory interest or right in the involved land fails to do so.
- 41.5 Costs:
- 41.5.1 Any cost incurred in connection with any such remedial or corrective action by the Clark County Board of County Commissioners or any Person acting for the Clark County Board of County Commissioners shall remain in full force and effect until any and all such costs shall have been fully paid.

History: Amended: June 25, 1992; May 17, 2001; June 3, 2003; July 1, 2004; April 15, 2014; January 21, 2020.