

12/29/78

LANDER COUNTY DUST ORDINANCE

LC 8-78

SECTION 1.

Any person, firm partnership, corporation, association or other owner or occupant of any real property within the confines of Lander County who desires or plans to disturb the surface thereof by means of removing the surface vegetation, grading, plowing, discing, or any other means whereby dust or other particulate matter will be expelled into the air shall first file with the Board of County Commissioners an application for a permit.

SECTION 2.

The application required by Section One shall state the name of the owner and occupant of the real property, a log description of the real property sought to be disturbed, the reason for the disturbance, the eventual one for which the disturbed property will be used and a plan or method by which the applicant will reduce the dust or other particulate matter which will be expelled into the air. Said application shall be considered the Board of County Commissioners at the next regularly scheduled meeting thereof, provided the same is filed at least ten days prior thereto. If the Board determines that the application is in proper form and that the permit should be granted, said permit will be issued forthwith. If the permit is refused, a written statement of the reasons for the refusal shall be transmitted by the clerk of the Board to the applicant.

SECTION 3.

No application or permit shall be required from an owner or occupant unless a surface area in excess of one acre shall be disturbed.

SECTION 4.

Any person, firm, partnership, corporation, association or other entity engaged in the business of hauling minerals, ores, concentrates or other mining products on or over the unpaved portions of any street, road or highway within the confines of the Town of Battle Mountain, or within one-half mile thereof, shall take such measures, including sprinkling with water, as are reasonably necessary to reduce or eliminate the expelling of dust or other particulate matter into the air, whenever the conditions of the road surface so require.

SECTION 5.

Any person, firm, partnership, corporation, association or other entity maintaining an uncovered stockpile of mineral material or ore within five (5) miles of the Town of Battle Mountain shall take such measures, including sprinkling with water, as are reasonably necessary to reduce or

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eliminate expelling of Dust or other particulate matter into the air, whenever the conditions of the road surface so require.

SECTION 6.

It shall be the duty of the Lander County Guiding Inspector to inspect road surfaces as set forth in Section Four above and uncovered stock-piles as set forth in Section Five above and to recommend to the users thereof the appropriate methods to take in order to reduce or eliminate the expelling of dust or other particulate matter into the air and to further recommend when such methods shall be utilized.

SECTION 7.

Each calendar day that a violation of the ordinance continues shall be considered a separate violation thereof.

SECTION 8.

This Ordinance shall become, upon its passing and approval, a part of the Lander County Plan for the reduction of air pollution in the Battle Mountain area.

SECTION 9.

A violation of this Ordinance, or of any of the provisions hereof shall constitute a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00) or by imprisonment in the Lander County Jail for a period not to exceed six (6) months or by both such fine and imprisonment.