

CITY OF NANAIMO

BYLAW NO. 4896

A BYLAW FOR THE ELIMINATION OF DUST EMISSIONS

WHEREAS:

Council is empowered to regulate the construction, alteration, repair and demolition of buildings and structures;

Council is empowered to prohibit the emission of dust from real property and to prescribe measures to be taken for that purpose;

Council is empowered to regulate and require the provision of works and services in respect of the subdivision of land;

Council is empowered to regulate the deposit and removal of soil from land;

NOW THEREFORE the Council of the City of Nanaimo, in open meeting assembled, enacts as follows:

1. This bylaw may be cited for all purposes as the City of Nanaimo "DUST CONTROL BYLAW 1995 NO. 4896".
2. Every person being an owner or occupier of real property, or the agent of an owner or occupier of real property, or the agent of an owner or occupier:
 - (a) in carrying out any construction, excavation, repair or demolition activity authorized by a building permit;
 - (b) in providing works and services required pursuant to City of Nanaimo "SUBDIVISION CONTROL BYLAW 1989 NO. 3260"; or
 - (c) in depositing or removing any soil on or from land;shall eliminate the emission of dust into the atmosphere.

3. Every person required to comply with Section 2 of the Bylaw shall, during the activities therein described, apply water or other dust suppression materials as necessary to prevent the emission of dust from the real property.
4. If any person fails to take the preventive action required under Section 3 of the Bylaw, upon not less than 24 hours notice in writing to the owner and any occupier of the property, the required dust suppression measures may be carried out by the employees or contractors of the City, at the expense of the person in default.
5. If action in default is taken under Section 4, City council may recover the expense from the person in default, together with costs and interest at the rate prescribed under Section 11(3) of the *Taxation (Rural Area) Act*, in the same manner as municipal taxes.
6. Any person who contravenes any provision of the Bylaw commits an offence punishable upon summary conviction and is liable to a fine not exceeding \$2,000.

PASSED FIRST, SECOND AND THIRD READINGS 1995-MAR-06.
ADOPTED 1995-MAR-20.

MAYOR

CITY CLERK