

## **Chapter 9.08 AIR QUALITY AND ENVIRONMENTAL MANAGEMENT\***

### **Sections:**

#### **9.08.020 Policy.**

It is the public policy of Clark County that the emission of air pollutants into the atmosphere be controlled to promote the continual enjoyment of property within the county for residential and recreational purposes to the optimum degree, consistent with full employment and continued commercial and industrial development and to administer environmental programs related to air quality, desert conservation, and sustainability for the purpose of protecting and preserving our natural resources. This chapter shall be interpreted and construed so as to effectuate the purpose stated above and the public policy declared in Chapter 445B of the Nevada Revised Statutes and all other applicable chapters.

(Ord. 3085 § 15, 2004)

(Ord. No. 3826, § 2, 11-4-2009; Ord. No. 4008, § 6, 3-6-2012; Ord. No. 4760, § 9, 1-21-2020)

#### **9.08.030 Reserved.**

Editor's note(s)—Ord. No. 4008, § 7, adopted March 6, 2012, repealed § 9.08.030 which pertained to definitions and derived from Ord. No. 3085, § 16, 2004.

#### **9.08.040 Authority of the board.**

As designated by the Governor of the State of Nevada, the board of county commissioners is the air pollution control agency for Clark County and shall have all the powers and responsibilities enumerated in NRS 445B.500.

(Ord. 3085 § 17, 2004)

(Ord. No. 4008, § 8, 3-6-2012)

#### **9.08.100 Air pollution control officer—Appointment.**

The administrative enforcement of this chapter shall be performed by the director of the department of environment and sustainability. The director shall serve as the air pollution control officer and shall have the power, duties, and authority to enforce the provisions of this chapter, Chapter 2.76 of this code and the regulations issued thereunder.

(Ord. 3085 § 20, 2004)

(Ord. No. 4008, § 9, 3-6-2012; Ord. No. 4760, § 10, 1-21-2020)

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#### **9.08.110 Air quality—Hearing board—Membership.**

The members of the air pollution control hearing board shall be appointed by the Clark County board of county commissioners in the manner and the terms provided by Chapter 445B of the Nevada Revised Statutes. The air pollution control hearing board shall have the powers, duties, and functions as described by Chapter 445B of the Nevada Revised Statutes and as otherwise provided in this chapter and any regulations promulgated under this chapter. The members of the air pollution control hearing board serve at the pleasure of the Clark County board of county commissioners.

(Ord. 3085 § 21, 2004)

(Ord. No. 4927, § 5, 3-15-2022)

#### **9.08.120 Air quality—Hearing officer—Appointment.**

The board may appoint hearing officers to determine violations of this chapter and, where applicable, violations of Chapter 445B of the Nevada Revised Statutes, and levy administrative penalties. Any individual appointed as a hearing officer shall not be an employee of the state of Nevada or any political subdivision of the state. A hearing officer appointed under this section shall have a working knowledge of air quality issues, arbitration, law and/or engineering. Where not in conflict with this section or the provisions of Chapter 445B of the Nevada Statutes, Chapter 2.68 of this code shall apply to such appointments.

(Ord. 3085 § 22, 2004)

#### **9.08.130 Air quality regulations.**

(a) The air quality regulations adopted by reference pursuant to NRS 445B.610(3) on July 1, 2001, (three copies of which are available for inspection in the office of the county clerk, commission division) may be amended from time to time, including additions and deletions, in accordance with NRS 445B.500.

(b) The air quality regulations are known as the "Clark County Air Quality Regulations" and are incorporated herein by reference and made a part of this chapter, the same as if they were fully set forth herein.

(c) Wherever "department of air quality" appears in the air quality regulations in effect on January 21, 2019, these terms shall be deleted and replaced with "department" which means the "department of environment and sustainability."

(Ord. 3085 § 23, 2004)

(Ord. No. 4008, § 10, 3-6-2012; Ord. No. 4760, § 11, 1-21-2020)

#### **9.08.140 Reserved.**

Editor's note(s)—Ord. No. 4008, § 11, adopted March 6, 2012, repealed § 9.08.140 which pertained to air quality — penalty for violation and derived from Ord. No. 3085, § 24, 2004.

#### **9.08.150 Reserved.**

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Editor's note(s)—Ord. No. 4008, § 12, adopted March 6, 2012, repealed § 9.08.150 which pertained to injunctive relief and derived from Ord. No. 3085, § 25, 2004.

**9.08.200 Reserved.**

Editor's note(s)—Ord. No. 4008, § 13, adopted March 6, 2012, repealed § 9.08.200 which pertained to compliance with the Endangered Species Act and derived from Ord. No. 3085, § 29, 2004.

**9.08.300 Reserved.**

Editor's note(s)—Ord. No. 4008, § 14, adopted March 6, 2012, repealed § 9.08.300 which pertained to water quality planning and derived from Ord. No. 3085, § 30, 2004; and Ord. No 3494, § 1, 2007.

**9.08.400 Reserved.**

Editor's note(s)—Ord. No. 3826, § 2, adopted November 4, 2009, repealed § 9.08.400 which pertained to federal lands and derived from Ord. 3085, § 31, 2004.

**9.08.500 Reserved.**

Editor's note(s)—Ord. No. 3826, § 2, adopted November 4, 2009, repealed § 9.08.400 which pertained to trails and derived from Ord. 3085, § 32, 2004.

**9.08.600 Reserved.**

Editor's note(s)—Ord. No. 4008, § 15, adopted March 6, 2012, repealed § 9.08.600 which pertained to solid waste and derived from Ord. No. 3085, § 33, 2004.