



By-Law 23-2022

A By-Law to Regulate the Emissions of Dust from Construction and Private Roads

WHEREAS Council is empowered to regulate, prohibit and impose requirements to protect and enhance the well-being of its community in relation to nuisances, disturbances and other objectionable situations

NOW THEREFORE the Council of the Rural Community of Hanwell hereby enacts as follows:

1. TITLE

This By-Law may be cited as the “Dust Control By-Law”.

2. DEFINITIONS

In this By-Law:

“By-Law Officer” means law enforcement employee of a municipality charged with the enforcement of bylaws, rules, laws, codes, or regulations enacted by local government. (Employees of the Rural Community or staff of the Regional Service Commission 11 for the enforcement of by-laws are designated as By-law Enforcement Officers for the purpose of enforcing this by-law.)

“Dust” means fine, dry powder consisting of tiny particles of earth or waste matter lying on the ground carried in the air.

“Rural Community” means the Rural Community of Hanwell

“Dust Suppressant” means water, hygroscopic materials, or non-toxic chemical stabilizers used as a treatment to reduce visible fugitive dust emissions. Only approved dust suppressants may be used. Please see the Environmental Management Manual.

<https://www2.qnb.ca/content/dam/qnb/Departments/trans/pdf/en/RoadsHighways/EnvironmentalManagementManual.pdf>

3. DUST CONTROL

a) Every person:

- i. in carrying out construction, excavation, repair, demolition, or any activity ancillary thereto; or
- ii. in depositing or removing any soil shall:

apply water or another dust suppressant to prevent the emission of dust that is liable to disturb the peace, rest, enjoyment, comfort or convenience of individuals or the public, or to foul or contaminate the atmosphere.

b) Every person who owns a private road shall:

- i. apply water or another dust suppressant to the road to prevent the emission of dust that is liable to disturb the peace, rest, enjoyment, comfort or convenience of individuals or the public, or to foul or contaminate the atmosphere.

4. ENFORCEMENT

- a) The Rural Community or Regional Service Commission 11 may issue a notice in writing to a person not in compliance with section 3 of this by-law, requiring the person to comply with section 3.
- b) If the person fails within twenty-four (24) hours to comply with a notice issued under section 4(a) of this by-law, the Rural Community by its employees or authorized contractors, may apply water or another dust suppressant to prevent the emission of dust that is liable to disturb the peace, rest, enjoyment, comfort or convenience of individuals or the public, or to foul or contaminate the atmosphere.

5. OFFENCES AND PENALTIES

- a) Any person who contravenes the by-law commits an offence and upon summary conviction shall be liable to a fine not exceeding \$500, as referred to in the Hanwell Fine and Fee Schedule Policy.
- b) Each day that a contravention of this by-law continues shall constitute a separate offence.
- c) This By-law may be enforced by means of a ticket in accordance with the *Local Governance Act*, SNB 2017, S.147-160,
- d) The dollar amounts shown in the Hanwell Fee Schedule Policy establish the fines for the corresponding offences there noted.

Hanwell Dust Control By-Law

This By-Law shall come into effect on the date of enactment there from:

FIRST READING: (By title)	March 16, 2022
SECOND READING: (By title)	April 20, 2022
THIRD READING AND ENACTMENT: (By title and in its entirety)	May 18, 2022
AMENDMENT	

Dave Morrison
Mayor

Terri L. Parker
Clerk