

CLARK COUNTY

AIR QUALITY REGULATIONS

SECTION 44 - PROHIBITIONS ON PLANTING, SELLING, OR OFFERING TO SELL FRUITLESS MULBERRY AND EUROPEAN OLIVE TREES

44.1 Purpose

The Clark County Board of County Commissioners finds that pollen from Fruitless Mulberry (*Morus Alba* "Fruitless") and European Olive (*Olea Europaea*) trees contribute to the high levels of airborne pollen in urban areas of Clark County during the spring.

44.2 Prohibitions

44.2.1 After April 1, 1991

No Person shall plant, sell, offer to sell, or authorize the planting of Fruitless Mulberry or European Olive trees to any other person or company doing business within the boundaries of Clark County,

44.3 Exemption

44.3.1 Cultivars of low pollinating Fruitless Mulberry or European Olive may be exempt from Subsection 44.2.1 if the person who grows them for commercial distribution applies for and receives a Certificate of Exemption from the Air Pollution Control Hearing Board.

44.3.2 To be approved by the Air Pollution Control Hearing Board, the applicant must demonstrate to the Board that the low pollinating cultivar releases to the atmosphere less than 15% of the pollen released by a sexually mature traditional European Olive tree and that this low pollinating capacity is retained by the sexually mature cultivar for at least three years.

44.3.3 Exempt trees in inventory at retail outlets and those being delivered to landscaping projects, must include a label approved by the CONTROL OFFICER showing exempt status, date of approval of Certificate until sale to consumer.

44.3.4 The applicant shall present a distribution plan to the CONTROL OFFICER to assure that only exempt trees under the applicant's control will carry the label provided for in Subsection 44.3.3. Shipping invoices must show copy of Certificate.

44.3.5 Such certificates expire in three (3) years. The applicant may renew a certificate for three (3) year increments.

History: Initial Adoption: January 24, 1991.
Amended: May 17, 2001; June 3, 2003; July 1, 2004.