

## Chapter 36

### HAZARDOUS MATERIALS

§ 36-1. Definitions.

§ 36-3. Surveys by Clerk/Treasurer.

§ 36-2. Transporting of prohibited materials.

§ 36-4. Violations and penalties.

[HISTORY: Adopted by the Board of Trustees of the Village of Jemez Springs by Ord. No. 41 (Ch. 12, Art. 3, of the 1996 Village Code). Amendments noted where applicable.]

#### GENERAL REFERENCES

Fire prevention — See Ch. 25.  
Nuisances — See Ch. 64.

Wastewater — See Ch. 120.

#### § 36-1. Definitions.

As herein used in this chapter, the following words or phrases shall mean:

NUCLEAR WASTE — Contact handled waste, transuranic waste, high level waste, materials associated with the operation and decommissioning of nuclear reactors and the supporting fuel cycle, spent fuel if it is to be discarded or stored for an extended period of time, fuel reprocessing wastes, radionuclides removed from the process streams or effluents, materials contaminated with radioisotopes, including radium sources.

PERSON — Any corporation, laboratory, company, partnership, association or society as well as a natural person.

RADIOACTIVE MATERIALS — Any material or combination of materials which spontaneously emits ionizing radiation. Materials in which the estimated specific activity is not greater than 0.002 microcurie per gram of material, and in which the radioactivity is essentially uniformly distributed, are not considered to be radioactive materials.<sup>1</sup>

TRANSPORT — To move on the streets, alleys or public ways within the Village.

#### § 36-2. Transporting of prohibited materials.

- A. It is unlawful to transport radioactive materials through the Village.
- B. It is unlawful to transport nuclear waste through the Village with the following exceptions:
- (1) Radioactive materials used in the field of medicine for medical purposes.
  - (2) Radioactive materials used in well drilling and used solely for the purpose of well drilling, provided these transporters are duly licensed by the state and under their

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1. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. 1).

rules and regulations. However, the Village requires a four-hour notice of any shipment of this material through its jurisdiction. It shall be unlawful for any person to transport nuclear waste and material for well drilling unless said person files with the Fire Chief and Chief of Police at least four hours in advance of transporting a detailed statement under oath incorporating a map of the proposed routes and times of transport. The four-hour notice does not apply to the shipment of radioactive materials for use in medical purposes.

- (3) Nor is it within the power of this chapter to prohibit the transport of weapons grade material through its borders as this material is under the jurisdiction of the United States government.

**§ 36-3. Surveys by Clerk/Treasurer.**

The Village Clerk/Treasurer is granted authority to conduct such surveys as he may find necessary to gather information for the governing body regarding the nature and extent of the transport of radioactive materials or nuclear wastes.

**§ 36-4. Violations and penalties.**

Any person violating any provision of this chapter shall be guilty of a misdemeanor, punishable as set forth in § 1-22 of this Code. Every day any violation of this chapter shall continue shall constitute a separate offense.