

Chapter 54

SOLID WASTE*

* **Charter References:** Authority of town council to require all lands and lots and other premises to be kept clean and sanitary and free from stagnant water, weeds, filth and unsightly deposits, or to accomplish same at the expense of the owners or occupants thereof, and to prohibit and abate all things detrimental to the health, safety and welfare of the inhabitants, § 26.

Cross References: Environment, ch. 26; bonfires and outdoor rubbish fires, § 30-4; accumulations of waste materials, § 30-9; health and sanitation, ch. 34; unsanitary accumulations and vegetation, § 34-26 et seq.; trailers and trailer parks, ch. 70; utilities, ch. 74.

State Law References: Virginia Waste Management Act, Code of Virginia, § 10.1-1400 et seq.; removal of trash, garbage, weeds and other foreign growth, Code of Virginia, §§ 15.2-901, 15.2-902; garbage and refuse disposal, Code of Virginia, § 15.2-927 et seq.; regulation of garbage and refuse pickup and disposal services, contracts, Code of Virginia, § 15.2-930; contracts for garbage and refuse pickup and disposal services, waste recovery facilities, Code of Virginia, § 15.2-932; delivery of garbage, trash and refuse to certain facilities,

Code of Virginia, § 15.2-933; mailing of summons for violation of trash ordinance, Code of Virginia, § 19.2-76.2; dumping trash, etc., on highway, right-of-way or private property, Code of Virginia, §§ 33.1-346, 33.1-346.1; dump creating fire hazard to public bridge, Code of Virginia, § 33.1-347.

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ARTICLE I.

IN GENERAL

Sec. 54-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrator means the person designated by the town council, or by the mayor with the

approval of the town council, to administer and enforce this chapter.

Ashes means cinders and other residue from fires used for cooking and heating.

Combustible rubbish means refuse accumulation of paper, wood, cloth, leather, rubber, plastics, sweepings and other combustibles which are usual to housekeeping and the operation of stores, offices and other business places.

County landfill means any sanitary landfill or other refuse disposal site designated by the county as a lawful place for the disposal of refuse.

Garbage means wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce. The term "garbage" also includes any food or produce containers which, due to their ability to retain moisture content, may serve as breeding places for flies, mosquitoes and other water-breeding pests.

Hazardous waste means a solid waste or combination of solid waste which, because of its quantity, concentration or physical, chemical or infectious characteristics, may:

- (1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating illness; or
- (2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Lawn and garden trash means tree limbs that cannot be placed in containers and accumulations of grass, weeds and shrubbery cuttings and other refuse attending the care of lawns and gardens.

Noncombustible rubbish means refuse materials that are unburnable at ordinary flame temperatures such as metals, rocks and other mineral matter; large quantities of glass or crockery; and auto bodies or parts.

Refuse means all forms of solid wastes.

(Code 1992, §§ 18-1, 18-61)

Cross References: Definitions generally, § 1-2.

State Law References: Definitions for the Virginia Waste Management Act, Code of Virginia, § 10.1-1400; definitions concerning litter control and recycling, Code of Virginia, § 10.1-1414; definitions concerning the siting of hazardous waste facilities, Code of Virginia, § 10.1-1433.

Sec. 54-2. Penalty for violation.

Except as otherwise provided in this chapter, any violation of this chapter shall be a class 1 misdemeanor, as provided in Code of Virginia, § 15.2-1429. Each day that a person violates this chapter shall constitute a separate offense, and such violation shall additionally be subject to injunctive relief in a state court of competent jurisdiction.

(Code 1992, § 18-13)

Sec. 54-3. Disposal of refuse into sources of water supply.

It shall be unlawful for any person to throw, deposit or otherwise dispose of any carcass, offal, garbage, refuse or other substance or liquid which is unwholesome, poisonous or likely to cause contamination into any well, spring, cistern, reservoir, watercourse or other source of drinking water or into any opening in the town water supply system.

(Code 1992, § 18-2)

Sec. 54-4. Throwing refuse into or upon public or private property.

(a) It shall be unlawful for any person to throw or deposit into the streets or upon the sidewalks or other public places or private premises any refuse or thing which will render the public or private premises unclean or unsightly or unsafe to any person, animal or vehicle using such public or private premises.

(b) It shall be unlawful for any person to throw or deposit into the streets or upon the sidewalks or other public places or private premises anything of a nature that could injuriously affect the health or welfare of the general community.

(Code 1992, § 18-3)

State Law References: Containers for deposit of litter, Code of Virginia, § 10.1-1419 et seq.; throwing or depositing dangerous substances on highway, Code of Virginia, § 18.2-324; dumping trash, etc., on highway, right-of-way or private property, Code of Virginia, § 33.1-346.

Sec. 54-5. Ejection of refuse from vehicle.

(a) When any person is arrested for a violation of section 54-4 and the matter alleged to have been dumped or disposed of on the street, right-of-way, property adjacent to such street or right-of-way, or private property has been ejected from a vehicle, the arresting officer may comply with the provisions of Code of Virginia, § 46.2-936, in making such arrest.

(b) When a violation of section 54-4 has been observed by any person and the matter dumped or disposed of on the street, right-of-way, property adjacent to such street or right-of-way, or private property has been ejected from a vehicle, the owner or operator of such vehicle shall be presumed to be the person ejecting such trash, garbage, refuse or other unsightly matter, provided that such presumption shall be rebuttable by competent evidence.

(c) Any person convicted of such violation shall be guilty of a misdemeanor and punished accordingly.

(Code 1992, § 18-4)

Cross References: Traffic and vehicles, ch. 66.

Sec. 54-6. Removal of construction or demolition materials.

All waste materials resulting from construction, repairs or demolition of a building, such as lumber, stone, brick, cement, plaster, sand, glass, gravel, roofing, etc., shall be removed by the owner of such building or his agents.

(Code 1992, § 18-5)

Cross References: Buildings and building regulations, ch. 14.

Sec. 54-7. Removal from private premises.

It shall be unlawful for any person to remove any garbage, trash or refuse of any kind or description from private premises and dispose the garbage, trash or refuse elsewhere within the town except at a place designated for such purpose by the town council.

(Code 1992, § 18-10)

Secs. 54-8--54-35. Reserved.

ARTICLE II.

REFUSE COLLECTION SERVICES

Sec. 54-36. General authority of administrator; rules and regulations.

The administrator shall have, under the general supervision of the mayor, full supervision and authority over the collection and disposal of all refuse in the town. The administrator may prepare such rules and regulations as he may deem advisable to implement this article and transmit them, through the mayor, to the town council. When any such rules and regulations have been approved by resolution of the town council and placed on file in the office of the town clerk, it shall be unlawful for any person to violate or fail to comply with any such rule or regulation.

(Code 1992, § 18-31)

Sec. 54-37. Specifications for, filling and use of garbage containers.

(a) All garbage set out for collection in the town shall be placed in metal containers suitable to protect the contents from flies and dogs and preventing the emission of disagreeable odors. The containers shall be securely closed. The containers shall be provided by the residents or occupants of residences, apartments or places of business in the town.

(b) Refuse other than garbage may be placed in the garbage container, but such container shall not be filled so that the lid will not securely cover it, and one person shall be able to lift it without assistance.

- (c) Only substances and materials accepted at the county landfill will be collected.

(Code 1992, § 18-32)

Sec. 54-38. Containers or bundles for rubbish.

(a) *Combustible rubbish.* When set out for collection in the town, all paper boxes, newspapers, magazines, wastepaper, cloth and similar combustible rubbish not placed into the required containers shall be tied securely in bundles not exceeding 50 pounds in weight. Empty cardboard boxes and paper cartons shall be cut down, laid flat and tied to prevent them from being blown over public or private property.

(b) *Lawn and garden trash.* When set out for collection in the town, all lawn and garden trash not placed into the required containers shall be placed in cardboard containers not over two feet in height, width and length or shall be tied into bundles not exceeding four feet in length and 50 pounds in weight.

(Code 1992, § 18-33)

Sec. 54-39. Public refuse containers.

Refuse containers placed upon the streets or sidewalks of the town by the town or by any organization, under the direction and approval of the town council, shall be for the use of the general public and shall not be loaded by householders or places of business.

(Code 1992, § 18-34)

Sec. 54-40. Hot ashes.

Hot ashes or any material burning in any container will not be collected by the town employees.

(Code 1992, § 18-35)

Cross References: Fire prevention and protection, ch. 30.

Sec. 54-41. Burning of refuse.

Nothing in this chapter is intended to prevent any householder or business place from burning refuse during times permitted by state law and in conformity with all applicable provisions of state law, this Code and other town ordinances. The safe burning of combustible refuse in 55-gallon drums or other suitable containers is encouraged. The cold ashes and other residue from burning shall be placed in a ten- to 30-gallon container or in a secure cardboard container when it is desired that such refuse be collected by the town. Private metal containers over 30 gallons in size will not be dumped by the town.

(Code 1992, § 18-36)

Cross References: Fire prevention and protection, ch. 30.

Sec. 54-42. Setting out refuse for collection.

Containers and bundles of refuse to be collected by the town shall be set out by the alley adjoining the property or set out next to the street, where it can be conveniently and easily reached by town employees making the collection.

(Code 1992, § 18-37)

Sec. 54-43. Entrance upon private property by town employees.

No town employee shall enter upon any private property while engaged in the collection of refuse, except for the convenience of the town, in the judgment of the administrator.

(Code 1992, § 18-38)

Sec. 54-44. Covering of containers.

Containers for garbage shall be kept covered at all times. All town employees, after emptying such containers, shall replace the covers and place the containers back on the sidewalk, curb or alley where they were prior to being emptied.

(Code 1992, § 18-39)

Sec. 54-45. Removal of containers after collection.

After being emptied, refuse containers shall be removed from the sidewalk, curb or street by the owner thereof, not later than 12:00 noon of the day following the day of collection.

(Code 1992, § 18-40)

Sec. 54-46. Special removal during cleanup week.

There shall be a special cleanup week for the benefit of all residents and the operators of business places in the town each year in the spring. During this special week, the town shall move to the refuse disposal site all ashes, stones, tree limbs and any type of refuse that can be handled by one employee in a reasonable length of time.

(Code 1992, § 18-41)

Sec. 54-47. Collection days.

Garbage and trash collection shall be made from residential areas once a week and from commercial or business areas once a week, on such day of the week as specified by the town council. Should any such scheduled collection day fall upon a holiday, the mayor may fix another day for such collection and shall give reasonable advance notice thereof to persons affected thereby.

(Code 1992, § 18-42; Ord. of 3-8-2005)

State Law References: Waste and recycling, Code of Virginia, § 15.2-927 et seq.

Sec. 54-48. Charges for services; billings and collections.

The refuse collection fee for residences and for each business shall be as specified by the town council and is hereby assessed against each such premises served by the garbage and trash collection service provided by the town. Occupants or persons in charge of such premises shall be billed by the town in the same manner as for water bills, subject to the same penalties as water bills and collectible in any manner authorized by law for the collection of debts due the town. Businesses who contract their refuse collection services through a commercial refuse

hauler shall be exempt from the monthly refuse collection charge if the business provides the town with proof of their payments, one time a year, of refuse collection services through the commercial refuse hauler. Exempt businesses shall not be allowed use of the town provided refuse collection services until such time as they begin paying the monthly collection fee to the town. Fines shall be assessed in the maximum amount allowed by law, up to \$1,000.00, to any business found using the town provided refuse collection services, when such business has not paid the town monthly refuse collection fees.

(Code 1992, § 18-43; Ord. of 3-8-2005)

State Law References: Waste and recycling, Code of Virginia, § 15.2-927 et seq.

Sec. 54-49. Trash requiring special handling.

(a) Trash requiring special handling for any reason, primarily because of regulations governing the county landfill, shall be removed by the owner in accordance with law.

(b) Examples of trash subject to this section are as follows:

- (1) Concrete chunks, large rocks, old stoves, furnaces, metal pipe, etc.

- (2) Tree limbs more than three inches in diameter but less than eight feet in length.

- (3) Stumps.

- (4) Other large and heavy solid objects.

(Code 1992, § 18-44)

Sec. 54-50. Noncollectible refuse.

Items of refuse which are prohibited to be deposited at the county landfill shall not be subject to collection. Some of such items are hazardous substances such as poisons and explosives,

dead animals and parts thereof, and tree trimmings more than three inches in diameter or more than eight feet in length.

(Code 1992, § 18-45)

Secs. 54-51--54-75. Reserved.

ARTICLE III.

COUNTY LANDFILL

Sec. 54-76. Use generally.

Except as provided in this article, it shall be unlawful for any person not a resident of the town or

for any firm or corporation not having an established business residence in the town to carry or transport refuse of any kind within the town and deposit such refuse in the county landfill.

(Code 1992, § 18-62)

Sec. 54-77. Special agreement with county.

The town council may from time to time enter into a special agreement with the county authorities or others to permit use of the county landfill by residents of the town. The agreement shall determine whether assessments will be made for such usage.

(Code 1992, § 18-63)

Sec. 54-78. Areas for depositing specific types of refuse.

The county may assign areas within the county landfill where specific types of refuse shall be deposited.

(Code 1992, § 18-64)

Sec. 54-79. Dumping during other times.

Except when open for users provided in this article, no person shall dump any town-generated refuse upon the county landfill without first having obtained permission to do so from the county. After obtaining such permission, the person so dumping refuse thereon shall dump it only in the area specified by signs or by the county.

(Code 1992, § 18-65)

Sec. 54-80. Special dumping for proprietors of businesses.

The proprietor of a place of business in the town shall be permitted to haul his refuse to the county landfill, provided that he shall dump it only in areas specified by the county.

(Code 1992, § 18-66)

Sec. 54-81. Abandoning of motor vehicles prohibited.

No person shall deposit or abandon, or cause to be deposited or abandoned any motor vehicle at the county landfill.

(Code 1992, § 18-67)

Cross References: Traffic and vehicles, ch. 66.

Secs. 54-82--54-110. Reserved.

ARTICLE IV.

HAZARDOUS WASTE*

* **Cross References:** Environment, ch. 26.

DIVISION 1.

GENERALLY

Sec. 54-111. Responsibility of owner or producer.

No hazardous waste shall be placed in any receptacle used for collection of refuse by the town forces, nor will the town forces collect such waste. It shall be the responsibility of the owner or producer of such waste to store, collect and dispose of such waste.

(Code 1992, § 18-86)

Sec. 54-112. Regulated medical waste.

(a) This section is adopted pursuant to Code of Virginia, § 15.2-1102.

(b) It is the intent and purpose of this section to secure and promote the health, safety and general welfare of the inhabitants of the town by providing for the proper handling, disposal and transportation of solid waste in the town.

(c) It shall be unlawful to establish, maintain or operate a private dump or landfill within the territorial boundaries of the town.

(d) It shall be unlawful for any person to dispose into any landfill of the town or at its collection sites any garbage, trash, refuse or solid or hazardous waste as defined in Code of Virginia, § 10.1-1400, from without the territorial boundaries of the town.

(e) It shall be unlawful for any person or entity to dispose any regulated medical waste, as defined in the 1988 draft version of the regulated medical waste management regulations of the state waste management board, as amended, into any landfill of the town or its collection sites, until such waste has been treated and packaged in the manner prescribed by this section.

(f) For the purposes of this section, the provisions of parts I, III, IV, and VI of the regulations mentioned in subsection (e) of this section, as amended, as they pertain to the identification, packaging, handling, transportation and disposal of the regulated medical waste, are hereby adopted and incorporated by reference as a portion of this section.

(g) It shall be unlawful for any person to dispose of any solid waste as defined in Code of Virginia, § 10.1-1400, which has been compacted and baled in such manner that such solid waste cannot be readily examined by manual means by town officials for the purposes of determining if such garbage, trash, refuse and other solid waste is as those terms are defined in Code of Virginia, § 10.1-1400.

(Code 1992, § 18-87)

Secs. 54-113--54-140. Reserved.

DIVISION 2.

TRANSPORTATION*

* **Cross References:** Traffic and vehicles, ch. 66.

Sec. 54-141. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

CFR means the Code of Federal Regulations. The numbers immediately preceding and immediately following the letters "CFR" shall refer to the volumes, divisions and sections used to identify parts of the Code of Federal Regulations.

Compressed gas means any substance regulated as a compressed gas by the United States Department of Transportation, by regulations found in 49 CFR 173.300.

Explosive means any substance regulated as a class A explosive or as a class B explosive by the United States Department of Transportation, by regulations found in 49 CFR 173.53 and 49 CFR 173.88.

Flammable liquid means any substance regulated as a flammable liquid by the United States Department of Transportation, by regulations found in 49 CFR 173.115.

Flammable solid means any substance regulated as a flammable solid by the United States Department of Transportation, by regulations found in 49 CFR 173.150.

Hazardous material means a substance or material in a form or quantity which may pose an unreasonable risk to health, safety or property when transported, and which the Secretary of Transportation of the United States has so designated by regulation or order.

Oxidizer means any substance regulated as an oxidizer by the United States Department of Transportation, by regulations found in 49 CFR 173.151.

Poison means any liquid or gas that is life threatening when mixed with air in small amounts, and also includes all those substances regulated as poison A by the United States Department of Transportation, by regulations found in 49 CFR 173.326.

Radioactive material means any substance required by the United States Department of Transportation to have type A packaging or type B packaging, under regulations found in 49 CFR 173.426.

(Code 1992, § 18-106)

Cross References: Definitions generally, § 1-2.

Sec. 54-142. Exemption.

This division shall not apply to any vehicle carrying no hazardous material except flammable liquid in containers having a total capacity of not over 110 gallons or 41.635 dekaliters by volume.

(Code 1992, § 18-107)

Sec. 54-143. Designation of routes to be followed.

No person shall transport any hazardous material through the town except over routes indicated as permitted routes on the hazardous material routing map. Deliveries to destinations in the town shall be made by following permitted routes to the point where the least amount of travel off of a permitted route will be needed to reach the destination, and by going to the destination

and returning to the permitted routes by the method requiring the shortest travel distance off of permitted routes.

(Code 1992, § 18-108)

Sec. 54-144. Size of vehicles.

No hazardous material will be carried off of any permitted route for delivery in any vehicle larger than a tractor with one trailer.

(Code 1992, § 18-109)

Sec. 54-145. Condition of vehicles.

All vehicles used to transport hazardous materials anywhere in the town shall comply with all federal and state laws and regulations. All such vehicles shall be maintained in a safe condition.

(Code 1992, § 18-110)

Sec. 54-146. Signs and maps.

Signs shall be posted to inform the public of the permitted routes for hazardous materials. The police department shall keep on hand copies of maps showing permitted routes for hazardous materials, and these maps shall be distributed free upon request.

(Code 1992, § 18-111)

Sec. 54-147. Flammable liquid.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Flammable liquid means any liquid classified as any class of flammable liquids in the fire prevention code.

Flammable liquid routing map means the map approved by the town council indicating the routes over which flammable liquids are permitted to be transported through the town.

(b) *Routes to be followed.* No person shall transport any flammable liquid through the town except over routes indicated as permitted routes on the flammable liquid routing map. Deliveries to destinations in the town shall be made by following permitted routes to the point where the least amount of travel off of a permitted route will be needed to reach the destination, and by going to the destination and returning to the permitted routes by the method requiring the shortest travel distance off of permitted routes.

(c) *Size of vehicle.* No flammable liquid will be carried off of any permitted route for delivery in any vehicle larger than a tractor with one trailer.

(d) *Condition of vehicles.* All vehicles used to transport flammable liquids anywhere in the town shall comply with all federal and state laws and regulations. All such vehicles shall

be maintained in a safe condition.

(e) *Signs.* Signs shall be posted to inform the public of the permitted routes for flammable liquids.

(Code 1992, § 18-113)

Sec. 54-148. Anhydrous ammonia.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Anhydrous ammonia tank means any vehicle, tank truck, tank trailer, or tank semitrailer which can be used to store, haul or dispense anhydrous ammonia.

Tank semitrailer means a vehicle of the trailer type having one or more axles and two or more wheels, so designed and used in conjunction with a motor vehicle that some parts of its own weight and that of its own load rests upon or is carried by another vehicle, used for the transportation of anhydrous ammonia and for which purpose is provided with a tank mounted thereon.

Tank trailer means any vehicle without its own motive power but drawn by a motor vehicle, used for the transportation of anhydrous ammonia, and which for such purpose is provided with a tank mounted thereon.

Tank truck means any motor vehicle used for the transportation of anhydrous ammonia, which for such purpose is provided with a tank mounted on the frame or chassis of such vehicle.

(b) *Transportation.* No person shall transport any anhydrous ammonia in the town, except as provided in this section.

(1) Any vehicle, tank truck, tank trailer, tank semitrailer and anhydrous ammonia tank which has been loaded or filled with anhydrous ammonia shall be allowed to traverse or be within the town only upon the routes established by ordinance for transportation of flammable liquid.

(2) No anhydrous ammonia tank shall be parked or permitted to stand anywhere in the town, provided that the standing of such vehicle made necessary by mechanical trouble, necessary repair, traffic conditions, accident or in obedience to the direction of a police officer or traffic signal shall not be considered a violation of this section.

(3) Except when on a licensed storage site, all anhydrous ammonia shall be attended by a person responsible for the transportation of such tank.

(c) *Vehicles.* Vehicles used for transportation of anhydrous ammonia shall meet the following specifications:

(1) Every tank truck, tank trailer and tank semitrailer operated within the town shall be in good repair, clean and free from leaks.

(2) Each tank truck, tank trailer and tank semitrailer operated within the town shall be equipped with electric lights; lighting circuits shall have suitable overcurrent protection with

fuses and automatic circuit breakers; and the wiring shall have sufficient carrying capacity, mechanical strength, and shall be suitably secured, insulated and protected against physical damage.

(Code 1992, § 18-114)

Sec. 54-149. Radioactive material transportation.

(a) *Purpose.* The purpose of this section is to provide minimum standards and regulations ensuring the safe shipment and transportation of radioactive materials through the town.

(b) *Definitions.* The following words, terms and phrases, when used in this section and in section 54-150, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Curie is an expression of the quantity of radiation in terms of the number of atoms which disintegrate per second. A curie is that quantity of radioactive materials which decays such that 37 billion atoms disintegrate per second.

Large quantity radioactive materials means a quantity, the aggregate radioactivity of which exceeds that specified in 10 CFR 71.4(f) entitled "Packaging of radioactive material for transport."

Millicurie means 0.001 of a curie.

Motor vehicle means any vehicle defined as a "motor vehicle" in the state traffic laws adopted by the town.

Person means any individual, partnership or corporation engaged in the transportation of passengers or property, as common, contract or private carrier or freight forwarder, as those terms are used in the interstate commerce act, as amended.

Radioactive material means any material or combination of materials, which spontaneously emits ionizing radiation. Materials in which the estimated specific activity is not greater than 0.002 microcuries per gram of material and in which the radioactivity is essentially uniformly

distributed are not considered to be radioactive materials.

(c) *Permit required.* A permit issued by the chief of police shall be required for the shipping or transportation of the following radioactive materials by motor vehicle into, around the perimeter of, within, through or out of the town:

(1) Plutonium isotopes in any quantity and form exceeding two grams or 20 curies, whichever is less.

(2) Uranium enriched in the isotope U-235 exceeding 25 atomic percent of the total uranium content in quantities where the U-235 content exceeds one kilogram.

(3) Any element with atomic number 89 or greater, the activity of which exceeds 20 curies.

(4) Spent reactor fuel elements or mixed fission products associated with such fuel

elements, the activity of which exceeds 20 curies.

(5) Large quantity radioactive materials.

(6) Any quantity, arrangement and packaging combination of fissile material specified by the United States Nuclear Regulatory Commission as a "fissile class III" shipment in 10 CFR 71.4(d)(3) entitled "Packaging of radioactive materials for transport."

(7) Any shipment or transportation of radioactive material that is required by the appropriate regulating agency to be accompanied by an escort for safety reasons.

(d) *Exemption.* This section shall not apply to radioactive materials shipped or transported by or for the United States government for military or security purposes or which are related to national defense.

(e) *Notice.* When those radioactive materials requiring a permit, as specified in this

section, are to be shipped or transported into, within, through or out of the town, the shipper or carrier or person otherwise responsible shall first notify the chief of police, in a form provided, two weeks prior to the date of shipment. The form shall include the date of shipment, type and quantity of radioactive materials involved, method of transportation, route, starting point, destination and such other information as the chief of police may reasonably require. Any information which cannot be supplied two weeks prior to shipment or transportation shall be supplied promptly by the person responsible for such shipment or transportation when such information becomes available to him. Nothing in this section shall be construed as requiring the disclosure of any defense information or restricted data as defined in the Atomic Energy Act of 1954 and the Energy Reorganization Act of 1974, as amended.

(f) *Issuance of permit.* The chief of police shall not issue a permit to any person for the shipment or transportation of those radioactive materials specified in this section, unless there is a showing that:

(1) The radioactive material has been or will be containerized and packaged, and all warning labels affixed to the outer container holding the radioactive material and the motor vehicle transporting such material, in conformity with the regulations of the United States Department of Transportation, United States Nuclear Regulatory Commission or other related federal or state agencies, regardless of whether the shipment is being made intracity, intrastate or interstate; and

(2) The shipment or transportation of radioactive materials is necessitated by urgent public policy or national security interests transcending public safety and health concerns of the town. For the purposes of this subsection the term "urgent public policy" shall include medical and educational interests. An urgent public policy shall not include interests other than medical and educational interests, unless expressly authorized in writing by the United States Department of Transportation or by any other appropriate federal or state agency which may be

required by the chief of police. Such authorization shall state that the particular interest involved is, in the opinion of the agency, permitted by federal or state regulations pertaining to the shipment or transportation of radioactive materials and that the interest involved justifies the apparent risks resulting from such shipment or transportation.

(g) *Permitted routes.* Radioactive materials which are permitted to be shipped or transferred through the town pursuant to this division shall be shipped or transported over such routes or at such times of the day, consistent with the public health, safety, and welfare and the convenience of the shipper or carrier, as the chief of police may direct.

(Code 1992, § 18-115)

Sec. 54-150. Certificate required for transporting radioactive material.

The following certificate shall be issued by the chief of police before any radioactive material may be transported through the town:

CERTIFICATE FOR SHIPMENT OF RADIOACTIVE MATERIAL THROUGH THE TOWN

Name of shipper _____

Address of shipper _____

Name of carrier _____

Address of carrier _____

Name of consignee _____

Address of consignee _____

Point of entry into town _____

Destination in the town _____

Point of exit from the town _____

Date and estimated time of entry into city _____

Material to be shipped--Description--Activity in curies _____

Date of authorization _____

Name of authorizing official _____

(Code 1992, § 18-116)

Sec. 54-151. Rail transportation.

(a) *Notification required.* Within a reasonable time, but at least five hours prior to the rail shipment into or within the town of any hazardous materials, the operator of a rail carrier shall notify the chief of the fire department of the content, amount, route and destination point, if within the town, of such shipment. When it is impossible to notify the chief of the fire department within the time required, the operator may apply to the chief of the fire department for a waiver of such requirement, and such waiver may be granted if the chief of the fire department is satisfied that the public health and safety would not be endangered.

(b) *Chief of fire department's duties.* The chief of the fire department shall record and compile such information in order to ensure adequate response in an accident involving a hazardous material. He shall notify the health director of any shipment whose spillage or other accident would require an emergency response by the department of health. No person shall disclose to a competitor or any person, except as necessary to enforce this section, information involved in a business transaction about the nature, kind, quantity, destination, consignee or routing of such shipment if that information may be used to the detriment of the shipper or consignee, as provided in federal law, 49 USC 11910(a)(1).

(Code 1992, § 18-117)