

ORDINANCE NO. 1167

AN ORDINANCE OF THE CITY OF ROSWELL REGULATING THE TRANSPORTATION OF RADIOACTIVE MATERIALS WITHIN THE CITY; PROVIDING FOR ROUTES AND TIMES FOR TRANSPORTATION OF RADIOACTIVE MATERIALS; REQUIRING NOTICE OF TRANSPORTATION OF RADIOACTIVE MATERIALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND FIXING AN EFFECTIVE DATE.

WHEREAS, transportation of significant amounts of radioactive material presents an attendant risk of accidents involving the transporting vehicles, and

WHEREAS, accidents involving vehicles transporting significant amounts of radioactive material would reasonably occasion extensive safety measures including quarantine of an affected area, and

WHEREAS, accidents involving vehicles transporting significant amounts of radioactive material would cause other substantial disruption of traffic in their area and to any surrounding residences, and

WHEREAS, the disruption of traffic caused by such an accident would materially interfere with citizens' use of the public streets and interfere with their ability to have free access throughout the city and interfere with routing of emergency vehicles, and

WHEREAS, the City of Roswell's primary arteries are Main Street and Second Street and these should be preferred for the transportation of radioactive material because of the absence of abutting residences over much of their length,

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY, THE CITY COUNCIL, OF ROSWELL, NEW MEXICO, as follows:

Section 1. Transportation of radioactive materials in quantities exceeding the "Type A quantity" established in 10 CFR 71-4 (1986) is hereby prohibited except as provided for herein.

A. Transportation of quantities of radioactive materials exceeding the Type A quantities, but specifically excepted from transportation requirements in 10 C.F.R. 71 (1986) is permitted in accord with such exceptions.

B. Transportation of quantities of radioactive materials exceeding the Type A quantities shall be so far as possible restricted to either Main Street or Second Street. The use of other streets shall be permitted only if delivery is to be made to an in-city site away from those streets or material is to be removed from such a site.

C. Transportation of quantities of radioactive materials exceeding the Type A quantities shall be restricted to the period between 12 midnight and 6:00 a.m. of the following day.

D. No transportation of quantities of radioactive materials exceeding the Type A quantities shall occur without first having reported the intent to transport the materials together with the times and route to the City Police Chief or his designee. The reporting shall occur not later than two (2) hours in advance of the proposed transportation of radioactive material.

E. As used herein "transportation" refers to movement upon the public streets of the city and does not encompass movement within a structure or upon private lands.

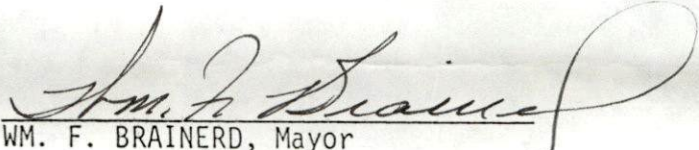
Section 2. If any section, paragraph, clause or provision of this ordinance for any reason shall be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any other part of this ordinance.

Section 3. All ordinances or parts of ordinances in conflict or inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or part of any ordinance heretofore repealed.

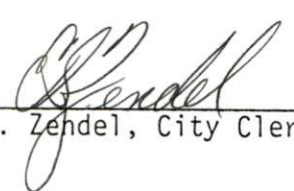
Section 4. This ordinance shall be and become effective on or after five days following publication of this ordinance.

PASSED, ADOPTED, SIGNED AND APPROVED on this 14th day of April, 1987.

CITY SEAL


WM. F. BRAINERD, Mayor

ATTEST:


E. S. Zehdel, City Clerk