RADIOACTIVE WASTE ORDINANCE

SECTION 1 PURPOSE

The regulations set forth in this Ordinance are adopted to:

A. Provide for the protection of ground water and surface water quality through the control of radioactive waste handling, storage or disposal;

B. Protect the health, safety and welfare of the citizens of the Town of Fairfield, Maine.

SECTION 2 LEGISLATIVE AUTHORITY

A. Authority

1. This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VII of the Maine Constitution and Title 30-A, MRSA Section 3001.

B. Administration

1. The Town Council of the Town of Fairfield, Maine or its designee shall administer this Ordinance.

SECTION 3 REQUIREMENTS

A. Waste defined as radioactive waste materials by Title 38, MRSA Section 1451 Subsections 6 & 11, within the boundaries of the Town is prohibited.

B. Any request for an exception to the prohibition shall be submitted in writing to the Councilors and brought to the whole Town of Fairfield, acting as a body politic, to be voted on by all registered voters. any person intending to construct or operate any temporary or permanent radioactive waste repository shall at least one year prior to commencing any construction or operation notify the Town Officers in writing of his or her intent and of the nature and location of the facility, together with any other information the Town Council may require.

SECTION 4 APPEALS

A. An aggrieved party or landowner may appeal a decision to Superior Court within thirty (30) days from the final decision in accordance with Rule 808 of the Maine Rules of Civil Procedure.

SECTION 5 AMENDMENTS
A. This Ordinance may be amended by a majority vote of the voters of the Town. Amendments may be initiated by a majority vote of Town voters or on petition of ten percent (10%) of the voters casting votes in the last gubernatorial election in the Town. The Council shall conduct a public hearing on any proposed amendment.

SECTION 6 SITE CHARACTERIZATION

A. Any testing or drilling pertaining to the siting of a high or low level radioactive waste repository within the town limits of Fairfield will be prohibited.

B. Any request for exception to this section shall be handled under Section 3 of the Radioactive Waste Ordinance, Subsection B.

SECTION 7 VIOLATIONS

A. Any violations of the Ordinance shall be dealt with under the provisions of Title 30-A, MRSA Section 4452.

B. It shall be the duty of the Town Council or its designee to immediately notify in writing any person responsible for violating any provision of this Ordinance and to order the action necessary to correct any such violations.

C. Legal action: When a violation of any provision of this Ordinance shall be found to exist, the Municipal Attorney, as designated by the Town Council, either on his own initiative, or upon the notice of the Town Council or its designee, is hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Town.

D. Fines: Any person, firm, corporation or entity who violates any of the provisions of this Ordinance shall be guilty of a civil violation and on conviction shall be fined no less than $100 nor more than $2500. Each day such a violation is permitted to exist after the notification shall constitute an additional and separate offense.

SECTION 8 SEVERABILITY CLAUSE

If any provision of the Ordinance is held invalid, the other provisions of the Ordinance shall not be affected thereby. If the application of this Ordinance or any of its provisions to any person or circumstances is held invalid, the application of this Ordinance and its provisions to other persons or circumstances shall not be affected thereby.

Public Hearing Date: February 18, 1992
Adopted: March 3, 1992

Attest: Terry A. York, Town Clerk