

AN ORDINANCE TO PROHIBIT THE TRANSPORTATION OF HIGH-LEVEL NUCLEAR WASTE WITHIN THE CITY LIMITS

Summary: Prohibits the transportation of high-level nuclear waste within the City limits and provides for other related matters.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

Section XXX: That Article XXX of the Code of Ordinances of the City of Asheville, be amended by adding a section, to be numbered XXX, which said section reads as follows:

XXX: For purposes of this Chapter, the following terms have the meanings ascribed to them:

"Spent nuclear fuel" means any enriched uranium or mixed oxide fuel that has been withdrawn from a nuclear reactor following irradiation, the constituent elements of which have not been separated by reprocessing.

"High-level nuclear waste" means highly radioactive material:

- (A) That results from the reprocessing of radioactive spent nuclear fuel; or
- (B) That the Nuclear Regulatory Commission, consistent with existing law, determines by rule requires permanent isolation.

XXX: It is unlawful for any person to possess or to transport, within or through the corporate boundaries of the City, any spent nuclear fuel or high-level nuclear waste.

XXX: If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional, or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of Asheville hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of that fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

XXX: Whenever in this ordinance any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of not more than sixty days, or by any combination of such fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

XXX: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Asheville, in conflict herewith are hereby repealed.

Read, approved and adopted this ___ day of _____, 2008.

City Clerk _____ Mayor _____

Approved As to Form _____ City Attorney _____