

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  
~~City~~ of Yates  
~~Town~~  
~~Village~~

Local Law No. 2 of the year 19 80.

A local law Restricting Transportation of Spent Fuel Rods on All Highways in  
(Insert title)  
Yates County

Be it enacted by the Legislature of the  
(Name of Legislative Body)

County  
~~City~~ of Yates as follows:  
~~Town~~  
~~Village~~

Section 1. Legislative Intent

The purpose of this Local Law is to regulate transportation of spent fuel rods on all highways in Yates County.

Section 2. Legislative Authority

This Local Law is enacted pursuant to the provisions of New York State County Law Sec. 215, Vehicle and Traffic Law Sec. 1650, Transportation Law Sec. 14-F and the Public Health Law of the State of New York.

Section 3. Definitions

Unless the context shall clearly indicate otherwise, whenever used in this Local Law the following words and phrases shall have the following meanings, and the singular shall include the plural:

"Highway" -- Every State highway, controlled accessed highway, County road and Town highway as defined in New York State Highway Law Sec. 3 as last amended by

exclusively upon stationary rails or tracks.

#### Section 4. Prohibition

No vehicle containing or carrying spent fuel rods shall be operated or parked, temporarily or permanently, on any highway within Yates County unless the operator of such vehicle has, in his immediate possession, a valid Transportation Permit issued under the provisions of this Local Law.

#### Section 5. Presumption

When any vehicle or any property transported, carried, conveyed or drawn by such vehicle, or when both vehicle and property, are placarded or labeled "Radioactive - Yellow II" or "Radioactive - Yellow III", such placarding or labeling shall constitute a presumption that such vehicle contains or is carrying spent fuel rods.

#### Section 6. Transportation Permit

A. Application for a Transportation Permit for each vehicle shall be made by the owner of the vehicle to the Yates County Sheriff upon application forms to be supplied by the Sheriff upon request. The application shall provide such relevant information as the Sheriff, after consultation with the Yates County Director of Civil Defense, shall from time to time, determine is necessary, including but not limited to; name, principal residence or business address and phone number of the owner; name, principal residence address and copy of the operator's license of the operator; a copy of the vehicle registration; the date, time and place that the vehicle will enter Yates County; the address of the destination of the vehicle; a description of the spent fuel rods being transported and of the containers, if any, in which the rods are being transported. Each application shall contain a statement, to be signed by both the owner of the vehicle and the shipper of the spent fuel rods as follows: "As part of the consideration for the issuance of the permit, the undersigned owner of the vehicle and the undersigned shipper hereby covenant and agree to save

and hold free from any claim, action, or liability, the County of Yates

B. Within 48 hours of receiving the application the Sheriff, or his duly authorized agent, shall issue a Transportation Permit, in duplicate, which shall be mailed by certified mail to the applicant or, if the applicant so requests, may be picked up by the applicant or his agent upon signing a receipt therefore. The form of the Transportation Permit shall be as determined by the Sheriff, after consultation with the Yates County Director of Civil Defense, except that the Transportation Permit shall not be valid for a period of time exceeding four consecutive hours; it shall state the exact date and time when it becomes valid and when its validity ceases; it shall not become valid for at least 48 hours immediately following the mailing and shall not be valid for any time more than 30 days immediately following the issuance and mailing or delivery of the permit. The validity of the Transportation Permit shall be conditioned upon the vehicle being operated on highways in Yates County over a route determined by the Sheriff and specified in the permit. The validity of the permit shall also be conditioned upon use of a Sheriff's Department escort of the vehicle over the route designated in the permit and the permit shall not be valid within Yates County without the escort. The validity of the permit shall also be conditioned upon the vehicle, its equipment and operator being in compliance with the applicable provisions of Motor Vehicle Law of the State of New York and regulations and rules promulgated thereunder. If the Sheriff's Department is notified, in writing or by phone not less than 1 hour before the permit becomes valid, that for any reason there is a change in the time at which the vehicle will commence operation on highways in Yates County, then when the escort meets the vehicle at the County line the Sheriff, or his duly authorized agent, may change the period of time for which the permit is valid by endorsing such change on the permit and signing the same, but in no event may the period of time for which the permit is valid be extended more than 24 hours after its original validity period.

violations of this Local Law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations.

#### Section 8. Exemption

This Local Law shall not apply to radioactive waste shipped by or for the United States Government for military or national security purposes and nothing herein shall be construed as requiring the disclosure of any defense information or restricted data as defined in the Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974, as amended.

#### Section 9. Implementation

The Yates County Sheriff, after consultation with the Yates County Director of Civil Defense, is hereby authorized and directed to carry out and implement the provisions of this Local Law, including the preparation of Applications and Transportation Permits provided for under this Local Law. The Yates County Sheriff and the Yates County Director of Civil Defense are hereby authorized and directed, jointly, to ascertain, insofar as is reasonably possible, and to notify by certified mail, the owners of vehicles, who are or may be transporting spent fuel rods through the County of Yates of the provisions of this Local Law.

#### Section 10. Effective Date

This Local Law shall take effect on the 25th day of March, 1980.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. .....<sup>2</sup>..... of 19<sup>80</sup>.....  
County  
of the ~~City~~ of ..... Yates ..... was duly passed by the ..... Yates County Legislature .....  
~~Town~~ .....  
~~Village~~ .....  
(Name of Legislative Body)  
on ..... March 10, ..... 19<sup>80</sup> ..... in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer, \* or repassage after disapproval.)

I hereby certify that the local law annexed hereto, designated as local law No. .... of 19.....  
County  
of the City of ..... was duly passed by the .....  
Town .....  
Village .....  
(Name of Legislative Body)  
on ..... 19..... and was approved ..... not disapproved ..... by the .....  
repassed after disapproval ..... Elective Chief Executive Officer \*  
and was deemed duly adopted on ..... 19....., in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. .... of 19.....  
County  
of the City of ..... was duly passed by the .....  
Town .....  
Village .....  
(Name of Legislative Body)  
on ..... 19..... and was approved ..... not disapproved ..... by the .....  
repassed after disapproval ..... Elective Chief Executive Officer \*  
on ..... 19...... Such local law was submitted to the people by reason of a  
mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting  
permissive general  
thereon at the special election held on ..... 19....., in accordance with the appli-  
annual  
cable provisions of law.

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. .... of 19.....  
County  
of the City of ..... was duly passed by the ..... on  
Town .....  
Village .....  
(Name of Legislative Body)  
not disapproved

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. .... of 19..... of the City of..... having been submitted to referendum pursuant to the provisions of § 36 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the <sup>special</sup> ~~general~~ election held on ..... 19 ..... became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as Local Law No. .... of 19..... of the County of ....., State of New York, having been submitted to the Electors at the General Election of November ....., 19 ....., pursuant to subdivisions 5 and 7 of Section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph .....<sup>1</sup>..... above.

Martha Merchionda  
Clerk of the County legislative body, ~~City, Town or Village Clerk or~~  
~~office designated by local legislative body~~

Date: March 11, 1980

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK  
COUNTY OF YATES

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.