



LOCAL LAW NO. __ – 2025

A LOCAL LAW ESTABLISHING ENERGY RESTRICTIONS AND A NUCLEAR FREE ZONE IN THE CITY OF NORTH TONAWANDA

Submitted by:

Mayor Austin Tylec, President Lavey & Aldermen Schmigel, DiBernardo, Loncar, & Marranta

CHAPTER XXX ENERGY RESTRICTIONS AND NUCLEAR FREE ZONE

§ XXX-1 Definitions

As used in this chapter, the following terms shall have the meanings indicated:

HAZARDOUS RADIOACTIVE MATERIAL

Any radioactive isotope(s) resulting from the operation of nuclear fission reactors; the elements of spent nuclear fission reactor fuel that are themselves radioactive; the radioactive components of nuclear fission reactors, or of any device or component of a device that has been used to contain or process radioactive isotopes; or the tailing or similar debris resulting from the mining of uranium or other radioactive elements, except as specifically exempted herein.

NUCLEAR REACTOR

Any device that has as its purpose the controlled release of energy from nonexplosive reactions involving the fission of atomic nuclei.

MICROREACTOR

Nuclear microreactors are very small reactors usually generating less than 50 megawatts electric (MWe). They are seen as an alternative to small modular (50-300 MWe) or conventional reactors (often around 1,000 MWe). By comparison, microreactors can be produced more quickly, and within weeks, transported and deployed to locations such as isolated military bases or communities affected by natural disasters. They are designed to provide resilient, non-carbon emitting, and independent power in those environments.

SMALL MODULAR REACTOR (SMR)

The small modular reactor (SMR) is a class of small nuclear fission reactor, designed to be built in a factory, shipped to operational sites for installation and then used to power buildings or other commercial operations. The term SMR refers to the size, capacity and modular construction. Reactor type and the nuclear processes may vary. Of the many SMR designs, the pressurized water reactor (PWR) (a type of light water nuclear reactor) is the most common. However, recently proposed SMR

designs include generation IV, thermal-neutron reactors, fast-neutron reactors, molten salt, and gas-cooled reactor models.

PERSONS

Any person, corporation, college or university, laboratory, institution, governmental agency or other entity.

WIND TURBINES

Devices that convert the wind's kinetic energy into electrical energy through the use of rotating blades connected to a generator. This includes both onshore and offshore installations.

NATURAL GAS ENERGY PLANTS

Facilities that generate electricity by burning natural gas to power turbines, often used as a cleaner alternative to coal or oil-based plants.

COAL ENERGY PLANTS

Facilities that generate electricity by burning coal to produce steam, which powers turbines connected to electrical generators.

HYDROELECTRIC ENERGY FACILITIES

Installations that produce electricity by harnessing the energy of flowing or falling water, typically through dams or other water control systems.

XXX-2 Prohibition of hazardous radioactive material work

No person shall knowingly engage in work involving hazardous radioactive materials within the City of North Tonawanda as of the effective date of this chapter. Nothing in this chapter shall prohibit any person from engaging in such work outside of the City of North Tonawanda.

XXX-3 Transportation

Any transportation of hazardous radioactive materials through or over the City of North Tonawanda shall be subject to the following restrictions:

- A. Any person transporting such material shall notify the City of North Tonawanda at least 45 days prior to such transportation for review under provisions of this section, specifying the nature of such material, precise schedules of transport, and means of transport.
- B. Any person required to notify the City of North Tonawanda, as provided for in Subsection A above, shall, after notice is provided to the City of North Tonawanda, inform the public by a legal notice in a daily newspaper of general circulation in the City of North Tonawanda no less than one day per week for the four consecutive weeks preceding such transportation through the City of North Tonawanda. The published legal notice shall specify the nature of such material, precise schedules of transport, means of transport, and routes of transport and shall invite public responses, if any.

- C. The City of North Tonawanda shall independently monitor the transport of hazardous radioactive material through or over the City of North Tonawanda and shall assess the adequacy of safety and notice provisions relating thereto.
- D. Each vehicle involved in such transport shall have clearly visible signs meeting, at a minimum, state and federal requirements for identifying its contents as hazardous nuclear material.

XXX-4 Prohibition of reprocessing, storage, and use

No person shall reprocess, store, dump, or use hazardous radioactive materials for any purpose within the City of North Tonawanda.

XXX-5 Nuclear-free purchases and investments

- A. The City of North Tonawanda shall not purchase or lease any goods or services produced or provided by companies involved in the production of hazardous radioactive materials unless the Common Council makes a specific determination that no reasonable alternative exists.
- B. Any bidder for the City of North Tonawanda's purchases or leases of goods or services must certify by affidavit whether it or any of its subsidiaries or its parent company are involved in such activities.
- C. The City of North Tonawanda shall not invest in any company engaged in the production of hazardous radioactive materials.

XXX-6 Energy Source Restrictions

- A. No person shall operate or cause to be built a nuclear reactor, as defined in § XXX-1, within the City of North Tonawanda.
- B. No person shall construct, install, or operate new wind turbines within the City of North Tonawanda.
- C. No person shall construct, install, or operate new natural gas energy plants within the City of North Tonawanda.
- D. No person shall construct, install, or operate new coal energy plants within the City of North Tonawanda.
- E. No person shall construct, install, or operate new hydroelectric energy facilities within the City of North Tonawanda.

XXX-7 Enforcement, sanctions, and citizens' rights

- A. The Climate Smart Task Force of the City of North Tonawanda shall have the duty to hold hearings, issue reports, and make recommendations to the Common Council, as it deems appropriate, to educate the public, determine means of implementation, and evaluate compliance with all sections of this chapter.
- B. The City of North Tonawanda, or any resident thereof, has the right to enforce this chapter by appropriate civil action for declaratory or injunctive relief. A prevailing plaintiff shall be

awarded reasonable costs of suit and attorneys' fees, payable by the person found to have violated this chapter.

- C. Each violation of this chapter shall be a misdemeanor, and each day shall be deemed a separate violation.
- D. Where the City of North Tonawanda determines that any energy activity covered under this chapter is occurring in North Tonawanda inconsistent with the intentions of this chapter, the city shall so notify the person(s) with a formal order to cease and desist from such activities. Each person so notified may appeal this decision to the Common Council within 30 days of receipt of said notice. The Common Council may uphold an appeal only if it finds, after public hearing, that such person is not engaged in prohibited energy activities or other activity inconsistent with this chapter within the City of North Tonawanda. Failure of any person to comply with a cease-and-desist order within 60 days following its receipt, or following an unsuccessful appeal, shall be prosecuted to the full extent of city police powers. In addition, the city may impose either or both of the following sanctions:
 - a. Cut off any or all city services to the person concerned; and
 - b. Levying of fines.

XXX-8 Exclusions

- A. Nothing in this chapter shall prohibit the use of radioactive materials for medical, educational, or scientific purposes as determined by the City.

XXX-9 When effective

- A. Unless otherwise specified, the provisions of this chapter are effective immediately.
- B. No person shall, within the City of North Tonawanda, commence any such prohibited activities after the date of passage of this chapter.

XXX-10 Severability

If any clause, sentence, paragraph, section or part of this chapter shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in a controversy in which such judgment shall have been rendered.