

The undersigned registered voters of the Town of Alexandria in accordance with RSA 39.3, request you to insert in the warrant for the 1997 Annual Town Meeting, the following article:

Article #20. To see if the Town will vote to enact the following Ordinance effective upon its enactment.

Required voter approval of facilities for the commercial production of flammable or hazardous substances in Alexandria.

WHEREAS:

- (1) Oil refineries and other facilities for the commercial production of hazardous substances may present a threat to public health, safety and general welfare within a community;
- (2) It is accordingly in the public interest to control the siting of such facilities within a local community; and
- (3) Voters in such local community have a vital interest in exercising options as to such siting.

NOW THEREFORE,

1. Notwithstanding the provisions of any other Ordinance, an oil refinery or any facility for the commercial production of flammable liquid or gas or any hazardous substance, as defined in RSA 339-A:2 II, shall not be located in the Town of Alexandria without:
  - A. a vote of approval of a majority of the voters present and voting on the question at an annual meeting or a special meeting called for such purpose, and
  - B. a public hearing held by the Selectmen at least 14 days and not more than 30 days prior to the date on which the vote will be taken. Notice of such hearing shall be advertised in a paper of general circulation in the town and posted in at least two public places.

All votes on the question shall be taken by written ballot. The following question shall be placed on the ballot: "Shall an oil refinery or facility for the commercial production of flammable liquid or gas or of hazardous substance be permitted within the Town of Alexandria?" Said question shall be printed in the form prescribed by RSA 656:13. If a majority of those voting on the question shall vote in the affirmative, approval of the location of such oil refinery or production facility in the town shall be deemed granted, subject to any applicable zoning or other restrictions of the Town. If a majority of those voting on the question shall vote in the negative, such approval shall be deemed not granted, and no oil refinery or aforesaid production facility may be located in the Town unless approval is subsequently granted in accordance with this Ordinance.

2. This Ordinance shall not prevent the continued operation of any facility in active legal use at the time of passage of this Ordinance, unless such facility is reasonably deemed to present a threat to the public health, safety and general welfare.
3. The invalidity or inapplicability of any provision of this Ordinance shall not affect the validity or applicability of any other provision.

APPROVED BY BALLOT VOTE

THE TOWN OF ALEXANDRIA, N.H.

ORDINANCE, adopted this 23<sup>rd</sup> day of June, 1988

An Administrative Ordinance for Establishing Procedures and Fees for Control and Containment of Hazardous Materials

Section One: Authority: This ordinance is adopted pursuant to the authority granted to the Town by N.H.R.S.A. 31:39 and 41:41.

Section Two: General Purposes: It is the purpose of this Ordinance to provide for the orderly and expeditious control and clean up of any hazardous materials which may escape from the control of the person or persons having possession of them, and thereby pose a threat to the Town of Alexandria. It is also the purpose of this ordinance to require that any person possessing any such hazardous material shall pay for all services provided by the Town in relation to the control and clean up of said material, and to reimburse the Town for any costs or damages, direct or indirect, incurred by it as a result of its effort to contain control or clean up such hazardous material.

It is not the purpose of this Ordinance to impose upon the Town, or any of its officers and agents, any obligation to secure or remove any hazardous material from the Town once safe containment of this material is made. Moreover, nothing in this Ordinance is intended to relieve any owner or person in possession of hazardous materials of any obligation imposed by State or Federal law and specifically nothing contained herein shall be deemed to permit the possession, storage, or use of hazardous materials except in conformance with all Federal, State, and local laws and regulations.

Section Three: Application: This ordinance shall apply to all incidents

involving hazardous materials within the boundaries of the Town of Alexandria, and to all persons who may possess such materials found within the boundaries of the Town, EXCEPT as prevailing State or Federal law or regulation may take precedence and control over any such incident or person (See R.S.A. sections 147; 265:115-118; 146-A for examples of such prevailing State law at the time this ordinance is adopted).

Section Four: Definitions: For the purposes of this ordinance, the following words shall have the following meanings:

a. Hazardous Materials - Those substances, materials, or agents in such quantity, state and form as may constitute a potential risk to the health and safety of the people and environment of the Town and which may constitute a threat to the property of the people, including without limitation the following: explosives, radioactive materials, estriologic agents, flammable materials, combustible materials, poisons, oxidizing or corrosive materials, and compressed gases. Also any other materials listed as hazardous by the Materials Transportation Bureau of the United States Department of Transportation in Title 49 of the Code of Federal Regulations, as amended or those materials the disposal of which is regulated under R.S.A. 147-A.

b. Person shall mean any individual, corporation, or other entity having the recognized legal status of a person (i.e. association), or any partnership, trust, or other legal entity as distinguished from the individual members thereof.

c. Possession shall mean to possess, own, hold or have within his or its control any material defined as hazardous. In the case of any corporation or other legal entity, in addition to the entity itself, its officers, directors, or other natural persons having legal responsibility for the

control of said entity shall be deemed to be in possession. It is the intention of this ordinance to include within the concept person in possession not only the legal owner but also any and all other persons who may at any time come within the chain of control without regard to the issue of legal title. Person in possession shall include not only the owner but any agent, consignee, employee, contractor, or representative within a chain of control.

Section Five: Duties: The person or persons in possession of any hazardous material shall have the duty to prevent its discharge or release and to assure that any such material is used in a manner which will prevent its escape from safe containment. No person in possession shall discharge, dump, deposit, release or dispose of any hazardous material within the Town of Alexandria.

Any user or transporter who causes or has knowledge of any discharge or release of hazardous materials under his control or supervision, in any manner which poses an actual or potential threat to any person, animal, wildlife, vegetation, property or the environment, shall immediately report the incident to the Alexandria Emergency Management Agency and to the Alexandria Fire Department.

Section Six: Control, Containment and Clean Up: The Alexandria Fire Department and the Alexandria Emergency Management Agency shall promptly respond to each such reported incident, and shall take such action as is necessary to protect public health, safety, property, and the environment. The primary goals of the Fire Department and the Emergency Management Agency shall be to bring the material under control in safe containment and to minimize the damage caused by said material.

Section Seven: Costs: The person or persons in possession of any hazardous material shall pay a response fee of Two Hundred Dollars (\$200.00) and in addition shall be strictly liable to the Town of Alexandria for all costs incurred by the Town in the control, containment, and clean up of the materials which may have been discharged or released. If such material was possessed by more than one person then all shall be jointly and severally liable, and the costs incurred by the Town may be recovered from any one of them, by suit brought in any court of competent jurisdiction.

Section Eight: Use of Costs and Fees Collected: All costs and fees collected under this Ordinance shall be placed in a special hazardous materials account and expended by the Alexandria Emergency Management Agency and the Alexandria Fire Department to equip, maintain, and train a hazardous materials response unit.

Section Nine: Enforcement: The Alexandria Emergency Management Director and the Chief of the Alexandria Fire Department shall be responsible for enforcing this Ordinance.

Section Ten: Severability: If any section, subsection, sentence, clause, phrase, or part of this ordinance should be held invalid for any reason whatsoever, such decision shall not affect the remaining portions, which shall remain in full force and effect; and, to this end, the provisions of this ordinance are severable.

Section Eleven: Effective Date: This ordinance shall become effective upon passage.

Effective Date

June 23 1988

Signed

Alexandria Board of Selectmen

Arthur N. Barron

Robert J. Bradley

Neal C Coombs

3. To see if the Town will vote to raise and appropriate the sum of \$955.29 for T.R.A. (the State to furnish the sum of \$6,368.63).

4. To see if the Town will vote to raise the sum of \$2,000.00 to be added to the Capital Reserve Fund for the future purchase of road equipment.

5. To see what sum the Town will raise and appropriate for the Bristol Community Center.

6. To see what sum the Town will raise and appropriate for the Lakes Region Mental Health Center.

7. To see what sum the Town will raise and appropriate for the sealing and summer maintenance of highways and repairing bridges for the ensuing year.

8. To see what sum the Town will raise and appropriate for the maintenance of roads in winter.

9. To see if the Town will vote to ban, in Alexandria, the use of chemical defoliant 2, 4, D (Dichlorophenoxyacetic Acid) and 2, 4, 5, T (Trichlorophenoxyacetic Acid).

10. To see if the Town will vote to ban, in Alexandria, the application from the air of all chemical defoliant and herbicides.

11. To see if the Town will vote to require written permission from the selectmen to use chemical defoliant and herbicides for other than home use.

12. To see what sum the Town will raise and appropriate for the care of cemeteries.

13. To see what sum the Town will raise and appropriate for the Newfound Chamber of Commerce.

*Approved: Town Meeting  
Mar. 9, 1971*