

**Hamburg Township
Ordinance No. 91-A
Coal Tar Ordinance**

An Ordinance to enforce the statutory prohibition on the use and sale of coal tar and other high PAH content sealant products within the Township of Hamburg.

Section 1.0. Title

This Ordinance is known and cited as the Hamburg Township Coal Tar Ordinance.

Section 2.0. Purpose

The purpose of this Ordinance is to promote the public health, safety, comfort, and general welfare of the community through prohibiting the use and sale of sealant products or substances containing >0.1% Polycyclic Aromatic Hydrocarbons (PAHs) by weight, including coal tar-based sealer in the Township of Hamburg in order to protect, restore, and preserve the quality of its waters and protect the health of its residents.

The Township of Hamburg understands that lakes, rivers, streams and other bodies of water are natural assets which enhance the environmental, recreational, cultural and economic resources and contribute to the general health and welfare of the community.

The use of sealers on asphalt driveways is a common practice. However, scientific studies on the use of driveway sealers have demonstrated a relationship between the use of coal tar-based sealers and certain health and environmental concerns, including increased cancer risk to humans and impaired water quality in streams.

Section 3.0. Definitions

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. For the purpose of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

- a. **ASPHALT-BASED SEALER.** A petroleum based sealer material that is commonly used on driveways, parking lots, and other surfaces.
- b. **COAL TAR.** A byproduct of the process used to manufacture coke from coal.
- c. **COAL TAR SEALANT PRODUCT.** A surface applied sealing product containing coal tar, coal tar pitch, coal tar pitch volatiles, RT-12, Refined Tar or any variation thereof, including those

substances assigned the Chemical Abstracts Service (CAS) numbers 65996-92-1, 65996-93-2, 65996-89-6, or 8007-45-2 or related substances containing more than 0.1% PAHs, by weight.

- d. **TOWNSHIP.** The Township of Hamburg.
- e. **HIGH PAH CONTENT SEALANT PRODUCT.** A surface-applied product containing steam cracked petroleum residues, steam-cracked asphalt, pyrolysis fuel oil, heavy fuel oil, ethylene tar, or any variation of those substances including those substances assigned the Chemical Abstracts Service numbers 64742-90-1, 69013-21-4 or related substances containing more than 0.1% PAHs, weight.
- f. **PAHs.** Polycyclic Aromatic Hydrocarbons. A group of organic chemicals formed during the incomplete burning of coal, oil, gas, or other organic substances. Present in coal tar and known to be harmful to humans, fish, and other aquatic life.

Section 4.0. Prohibitions

In accordance with:

- a. No person or entity shall apply a coal tar or other high PAH content sealant product or substance on any surfaces within the Township of Hamburg.
- b. No person or entity shall sell a coal tar or other high PAH content sealant product that is formulated or marketed for application on surfaces within the Township of Hamburg.
- c. No person or entity shall allow a coal tar or other high PAH content sealant product to be applied upon property that is under that person's ownership or control.
- d. No person or entity shall contract with any commercial sealer product applicator, residential or commercial developer, or any other person for the application of any coal tar or other high PAH content sealant product to any driveway, parking lot, or other surface within the Township.
- e. No commercial sealer product applicator, residential or commercial developer, or other similar individual or organization or entity shall direct any employee, independent contractor, volunteer, entity or other person to apply any coal tar or other high PAH content sealant product to any driveway, parking lot, or any other surface within the Township.

Section 5.0. Asphalt- Based Sealcoat Products

The provisions of this Ordinance shall only apply to coal tar or other high PAH content sealant products in the Township and shall not otherwise affect the use of asphalt- based sealer products within the Township.

Section 6.0. Severability

The sections of this Ordinance are severable, and if any section, clause, or provision of this Ordinance is declared by any court of competent jurisdiction to be invalid or unenforceable, the same will not affect the validity of this Ordinance as a whole or any part thereof, other than the part declared to be invalid.

Section 7.0. Penalty Provision

- a. Any person who shall violate any of the provisions of this Ordinance shall be responsible for a municipal civil infraction. The fines and penalties as set forth in Section 6.0 entitled "Sanctions for Violations" of the Hamburg Township Municipal Civil Infraction Ordinance, as it may be amended from time to time, are incorporated herein by reference.
- b. For purposes of assessing fines and penalties only, a violation under this section shall be classified as a Class A municipal civil infraction.

Section 8.0. Repeal

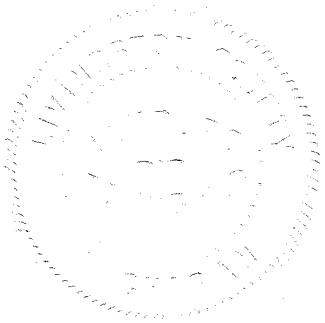
This Ordinance shall, upon its effective date, specifically repeal all provisions contained within Hamburg Township Ordinance No. 91. All other Ordinances and parts of Ordinances in conflict or inconsistent with the provisions of this Ordinance are also hereby repealed.

Section 9.0. Effective Date

Pursuant to MCL 41.184 sec 4(1), this Ordinance will take effect 30 days after its publication.

Certification

I, Michael Dolan, duly appointed Clerk of Hamburg Township, Livingston County, Michigan, do hereby certify that the foregoing Hamburg Township Ordinance No. 91-A was adopted at a regular meeting of the Hamburg Township Board held on August 15, 2017 at which the following members were present: Dolan, Hohl, Hahn, Menzies, Neilson, Negri, and Koeble.



Original signed by:

A handwritten signature in black ink, appearing to read "Michael Dolan".

Michael Dolan
Hamburg Township Clerk