

ORDINANCE NO. 14-04

**CITY OF FALCON HEIGHTS
RAMSEY COUNTY, MINNESOTA**

**AMENDING CHAPTER 22
OF THE FALCON HEIGHTS CITY CODE
CONCERNING REGULATION OF COAL
TAR-BASED SEALER PRODUCTS**

THE CITY COUNCIL OF THE CITY OF FALCON HEIGHTS ORDAINS:

SECTION 1. Chapter 22, Article IV of the Falcon Heights City Code is amended to read as follows:

Sec. 22-55. Purpose.

The City of Falcon Heights 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 stormwater runoff and certain health and environmental concerns.

The 2013 Minnesota Legislature enacted a statewide prohibition on the use and sale of coal tar sealant products. This new statewide prohibition has been codified under *Minnesota Statutes* section 116.202 and is effective on January 1, 2014.

The purpose of this ordinance is to prohibit violations of *Minnesota Statutes* section 116.202 in the City of Falcon Heights, Minnesota, in order to protect, restore, and preserve the quality of its waters.

Sec. 22-56. 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:

ASPHALT BASED SEALER. A petroleum based sealer material that is commonly used on driveways, parking lots, and other surfaces and does contain PAHs.

COAL TAR. A byproduct of the process used to refine coal.

COAL TAR SEALANT PRODUCT. A surface applied sealing product containing coal tar, coal tar pitch, coal tar pitch volatiles, or any variation assigned the Chemical Abstracts Service (CAS) numbers 65996-93-2, 65996-89-6, or 8007-45-2.

CITY. The City of Falcon Heights.

MPCA. The Minnesota Pollution Control Agency.

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 believed harmful to humans, fish, and other aquatic life.

Sec. 22-57. Prohibitions.

- A. No person shall apply a coal tar sealant product on asphalt paved surfaces within the City.
- B. No person shall sell a coal tar sealant product that is formulated or marketed for application on asphalt-paved surfaces within the City.
- C. No person shall allow a coal tar sealant product to be applied upon property that is under that person's ownership or control.
- D. No person shall contract with any commercial sealer product applicator, residential or commercial developer, or any other person for the application of any coal tar sealant product to any driveway, parking lot, or other surface within the City.
- E. No commercial sealer product applicator, residential or commercial developer, or other similar individual or organization shall direct any employee, independent contractor, volunteer, or other person to apply any coal tar sealant product to any driveway, parking lot, or other surface within the City.

Sec. 22-58. Exemptions.

Upon the express written approval from the MPCA and in accordance with *Minnesota Statutes* section 116.202, a person who conducts research on the environmental effects of coal tar sealant product or where the use of coal tar sealant product is necessary in the development of an alternative technology shall be exempt from the prohibitions provided in Section 3. Any person that is granted approval by the MPCA must provide a copy of the written approval from the MPCA to the City twenty days before conducting the research.

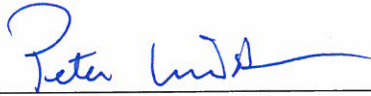
Sec. 22-59. Asphalt Based Sealcoat Products.

The provisions of this ordinance shall only apply to coal tar sealant products in the City and shall not affect the use of asphalt based sealer products within the City.

SECTION 2. EFFECTIVE DATE: This ordinance shall take effect from and after its passage.

ADOPTED this 12th day of November, 2014, by the City Council of Falcon Heights, Minnesota.

CITY OF FALCON HEIGHTS

BY: 
Peter Lindstrom, Mayor

ATTEST:


Bart Fisher, City Administrator/Clerk