



**NOTICE OF ADOPTED ORDINANCE
Ordinance No. 2016-1276**

PAVEMENT SEALANT ORDINANCE

AN ORDINANCE TO ADD A NEW SECTION 94-3 TO CHAPTER 94 THE YPSILANTI CITY CODE, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, TO PROHIBIT COAL TAR AND OTHER HIGH PAH SEALANTS IN THE CITY OF YPSILANTI

PAVEMENT SEALANT ORDINANCE

An Ordinance to prohibit Coal Tar Pavement Sealants

94-3. PAVEMENT SEALANT Intent and Purpose to prohibit the use and sale of coal tar and other high PAH sealants.

The Ypsilanti City Council finds that the use of pavement sealants containing coal tar poses an environmental and health risk as relayed by the Washtenaw County Watershed Council.

The purpose of this ordinance is to prohibit the use and sale of pavement sealant products containing more than 0.1% Polycyclic Aromatic Hydrocarbons (PAHs) by weight, including coal tar-based sealer in the City of Ypsilanti in order to protect, restore and preserve the quality of the Huron River and other waters within the city and to protect the health of City of Ypsilanti residents.

(a) Definitions.

Coal Tar. A byproduct of making coke from coal.

Coal Tar Sealant Product. A surface applied pavement sealing product containing coal tar or any derivative or more than 0.1% Polycyclic Aromatic Hydrocarbons (PAHs) by weight.

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 number 64742-90-1m 69013-21-4 or related substances containing more than 0.1%PAHs, by weight.

(b) Prohibitions.

No person shall apply any Coal Tar Sealant Product, or any High PAH Content Sealant Product to any street, sidewalk, driveway, pavement or other surface within the City of Ypsilanti.

No person shall sell, furnish or provide any Coal Tar Sealant Product or High PAH Content Sealant Product in the City of Ypsilanti.

No person shall contract for or allow another to apply any Coal Tar Sealant Product or High PAH Content Sealant Product in the City of Ypsilanti.

(c) Limitations.

This ordinance does not apply to Asphalt Based Sealant Products that typically contain less than 0.1% PAHs by weight.

(d) Penalty.

Violation of this ordinance is a civil infraction.

2. Copies to be available. Copies of the Ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours.

3. Publication and Effective Date. The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published by printing the same in the Washtenaw Legal News. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS 4TH DAY OF October, 2016.

ANDREW HELLENGA, INTERIM City Clerk

Attest

I do hereby confirm that the above Ordinance No.1276 was published in the Washtenaw Legal News on the 5th day of September, 2016.

ANDREW HELLENGA, INTERIM City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the 4th day of October, 2016.

ANDREW HELLENGA, INTERIM City Clerk

Notice Published: September 5, 2016

First Reading: September 20, 2016

Second Reading: October 4, 2016

Published: December 1, 2016

Effective Date: December 31, 2016