

**CHARTER TOWNSHIP OF VAN BUREN  
ENVIRONMENTAL COMMISSION AGENDA**

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**Wednesday, October 19, 2016 – 7:00 PM  
Denton Room**

**CALL TO ORDER**

**ROLL CALL**

**ENVIRONMENTAL COMMISSION**

Chairman Brownlee	_____	Commissioner Merritt	_____
Vacant	_____	Commissioner Wilson	_____
Commissioner Debuck	_____	Board Representative Jahr	_____
Commissioner Gibson	_____	Director Akers	_____
Deputy Director Best	_____	Recording Secretary Halstead	_____

**APPROVAL OF AGENDA**

**ACCEPTANCE OF THE MINUTES OF THE PREVIOUS MEETING**

1. July 20, 2016 Minutes

**COMMUNICATIONS**

**UNFINISHED BUSINESS**

1. Township Map
2. Coal Tar Discussion
3. Lakeshore Management Workgroup Update
4. Pollinators and Habitat

**NEW BUSINESS**

**ADJOURNMENT**

***\*\* If you are unable to attend, please contact Developmental Services at 699-8913 before noon on October 19, 2016\*\****

**CHARTER TOWNSHIP OF VAN BUREN**  
**Environmental Commission**  
**Wednesday-July 20, 2016**  
**MINUTES - DRAFT**

The meeting was called to order at 7:02 pm in the Denton Room by Chairperson Brownlee.

**ROLL CALL:**

Present: Brownlee, Debuck, Gibson, Jahr

Absent Excused: Akers, Merritt, Wilson

Staff: Best, Halstead

Audience: 2

**APPROVAL OF AGENDA:**

Motion Gibson, Seconded by Debuck to approve the agenda as revised.

**APPROVAL OF MINUTES:**

Motion to approve the Minutes from May 18, 2016 Gibson, Seconded by Debuck.

Motion Carried

**COMMUNICATIONS:**

Chairman Brownlee asked if any new applications for the vacant position have come in. No new applications have been received at this time.

**UNFINISHED BUSINESS:**

**1. Township Map:** Deputy Director Best asked the Commissioners what type of maps they were looking to have for their meetings. They mentioned they would like some temporary maps that could show zoning and actual locations (i.e. Road names, street names...) Deputy Director Best is going to work on getting the maps that they requested.

**2. Coal Tar Discussion:** Deputy Director Best stated all new projects that are coming in are being looked at to make sure they are complying with the >1% PAH Sealant Ban. Brownlee asked if it would be a good idea to see if there were a way to enforce the ordinance or put a penalty on non-compliance, as other cities/townships have done. It's much easier making sure large projects stay complaint with the ban, but has proven to be a little more difficult residentially. Deputy Director Best said he would look into what other municipalities, those that have a coal tar sealant ban, are doing in way of enforcement or penalization and bring any information he finds to the next scheduled meeting.

**3. Lakeshore Management Workgroup Update:** Deputy Director Best brought everyone up to date on how things are going with the workgroup for the Lakeshore Ordinance. They have come

up with a draft that they will eventually present to the Planning Commission and Township Attorney. They are still waiting on some information from DEQ on what their rules are. The draft resolves most of the main concerns the residents had, but original intent of the document is still intact.

**NEW BUSINESS:**

- 1. Pollinators and Habitat:** Deputy Director Best went over the importance of pollinators and gave handouts to the committee members to look over with resources on where to get more information. He went over the different type of pollinators and what a lot of communities have been doing to create pollinator pockets and why they're so important. Brownlee suggested the commission members start becoming more familiar with pollinators and educating themselves, and then they will go over different ways to get information out to residents and ways to start doing pollinator projects around the Township. Best also mentioned there are grants available for these type of projects.
- 2. ARC and ADW Updates:** Best, who is a member of The Alliance of Rouge Communities and Vice Chair of The Alliance of Downriver Watershed, gave an update of some of the projects they are in the middle of. ARC is working on doing green infrastructure as habitat and restoration projects. One of the larger projects is restoring Nankin Lake, which is one of the largest lakes in the Hines Park system. They are also wanting to do grow zone projects within communities, which could be beneficial to Van Buren Twp. ADW is doing invasive species removal projects across the watershed. They have about 30 students doing removal of invasive species in the ARC and ADW.
- 3. Stormwater:** Best wanted to look at how the detention ponds are being maintained and how Van Buren Twp. could be a partner in helping maintain the waterways. At the next meeting he will talk more about what approach to take.

**COMMENTS:** It was mentioned Board Representatives Jahr will be leaving the Environmental Commission in November and there will be a vacancy.

**Motion Debuck, seconded by Gibson to adjourn at 8:14 pm.**

**MOTION CARRIED**

Respectfully submitted,

Anna Halstead, Recording Secretary

ORDINANCE NO. ORD-16-12

First Reading: June 6, 2016  
Public Hearing: June 20, 2016

Approved: June 20, 2016  
Published: June 23, 2016  
Effective: July 3, 2016

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF ANN ARBOR BY ADDING A NEW CHAPTER, WHICH CHAPTER SHALL BE DESIGNATED CHAPTER 71, PAVEMENT SEALANT, OF TITLE VI, FOOD AND HEALTH, OF SAID CODE

The City of Ann Arbor Ordains:

Section 1. That a new Chapter 71, Pavement Sealant, be added to Title VI of the Code of the City of Ann Arbor to read as follows:

**CHAPTER 71**

**PAVEMENT SEALANT**

**6:500. Title.**

This chapter shall be known as the "Pavement Sealant Ordinance" of the City of Ann Arbor.

**6:501. Intent and Purpose.**

- (1) The Ann Arbor City Council finds 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.
- (2) The Ann Arbor City Council finds that 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.
- (3) The purpose of this ordinance is to prohibit the use and sale of pavement sealant products containing >0.1% Polycyclic Aromatic Hydrocarbons (PAHs) by weight, including coal tar-based sealer in the City of Ann Arbor in order to protect, restore, and preserve the quality of its waters and protect the health of its residents.
- (4) It is the further purpose and intent of this chapter to regulate the use and application of coal tar sealant products, to require the registration of commercial

and institutional applicators of coal tar sealant products within the city, and to require the distribution of informational literature to consumers about the use and effect of coal tar sealant products.

**6:502. 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:

- (1) *Applicator.* Any person who applies pavement sealant product in the city including, but not limited to, homeowners, occupants of rental property, and property managers.
- (2) *Asphalt-Based Sealant Product.* A surface applied, petroleum-based pavement sealing product that typically contains less than 0.1% PAHs, by weight.
- (3) *Coal Tar.* A byproduct of the process used to manufacture coke from coal.
- (4) *Coal Tar Sealant Product.* A surface applied pavement sealing product containing coal tar, coal tar pitch, coal tar pitch volatiles, RT-12, Refined Tar or any variation 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.
- (5) *Commercial Applicator.* Any person who applies pavement sealant product in the city in exchange for money, goods, services, or other valuable consideration.
- (6) *Commercial Seller.* Any person who sells or displays for sale any pavement sealant product in the city.
- (7) *High PAH Content Sealant Product.* A surface-applied pavement sealing product containing steam cracked petroleum residues, steam-cracked asphalt, pyrolysis fuel oil, heavy fuel oil, ethylene tar, or any variation of those substances assigned the chemical abstracts service number 64742-90-1, 69013-21-4 or related substances containing more than 0.1% PAHs, by weight.

Ordinance No. ORD-16-12 Cont.

- (8) *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.
- (9) *Pavement Sealant*. Any surface-applied pavement sealing product used to maintain asphalt surfaces. This may include but is not limited to asphalt-based sealant products and coal tar sealant products
- (10) *Sealant Program Administrator*. The Water Quality Manager, or other person designated to administer this chapter by the City Administrator.

**6:503. Prohibitions.**

- (1) No person shall apply a coal tar or other high PAH content pavement sealant product on surfaces within the City of Ann Arbor.
- (2) No person shall sell a coal tar or other high PAH content sealant product that is formulated or marketed for application on surfaces within the City of Ann Arbor.
- (3) No person 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.
- (4) No person shall contract with any commercial 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 City.
- (5) No commercial 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 or other high PAH content sealant product to any driveway, parking lot, or other surface within the City.

**6:504. Registration and Reporting Requirements and Procedures for Commercial Applicators.**

- (1) All commercial applicators shall register with the city prior to applying pavement sealant in the city in any calendar year.
- (2) Registration under this chapter shall be valid until expiration. Registration shall begin on January 1 and shall expire on December 31 of each calendar year.

Ordinance No. ORD-16-12 Cont.

- (3) Commercial applicators shall submit a complete registration application to the Pavement Sealant Program Administrator on forms furnished by the City Clerk, along with the registration fee according to the schedule established by resolution of City Council. The fee shall be calculated to include the cost of registration application review and periodic field inspection.
- (4) The following information shall be included in a complete application for registration:
  - (a) The legal name of the commercial applicator, any other names used, the address, telephone number and contact person for the applicant.
  - (b) The product name, type of use, and PAH content including CAS numbers.
  - (c) A notarized, sworn statement signed by an owner or duly authorized representative of a commercial applicator indicating that the applicator will comply with the requirements of the Pavement Sealant Ordinance of the city throughout the registration period
  - (d) All other information requested on the application.
- (5) The Pavement Sealant Program Administrator shall approve a registration if the application is complete, the applicator has complied with the previous year's reporting requirement, and the use of pavement sealant complies with this chapter.
- (6) The application for registration shall be approved or denied within 21 days by the Pavement Sealant Program Administrator.
- (7) The Pavement Sealant Program Administrator shall maintain a current list of all registered commercial applicators.
- (8) A registered applicator shall notify the Pavement Sealant Program Administrator in writing of any change in the information in the application for registration within 7 days of any such change.

**6:505. Asphalt-Based Sealant Products.**

The provisions of this ordinance shall only apply to coal tar or other high PAH content sealant products in the City and shall not affect the use of asphalt-based sealer products within the City as long as those products contain less than 0.1% PAHs, by weight.

**6:506 Penalty.**

Ordinance No. ORD-16-12 Cont.

A violation of any provision of this chapter shall be a civil infraction punishable by a civil fine of not more than \$10,000.00.

Section 2. In the event any court of competent jurisdiction shall hold any provision of this Ordinance invalid or unenforceable, such holding shall not invalidate or render unenforceable any other provision thereof.

Section 3. That This Ordinance shall take effect on the tenth day following legal publication.

**CERTIFICATION**

I hereby certify that the foregoing ordinance was adopted by the Council of the City of Ann Arbor, Michigan, at its regular session of June 20, 2016.

\_\_\_\_\_  
Jacqueline Beaudry, City Clerk

\_\_\_\_\_  
Date

\_\_\_\_\_  
Christopher Taylor, Mayor

I hereby certify that the foregoing ordinance received legal publication on the City Clerk's webpage on June 23, 2016.

\_\_\_\_\_  
Jacqueline Beaudry, City Clerk

## **HAMBURG TOWNSHIP**

### **ORDINANCE NO. 91**

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

Any person or entity that violates any of the provisions of this Ordinance will be responsible for a Municipal Civil Infraction. The fines and penalties for such infraction as set forth in Section 8, entitled "Sanctions for Violations" of Hamburg Township Ordinance No. 71 (Civil Infraction Ordinance), are incorporated herein by reference.

**Section 8.0. Effective Date**

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

**CERTIFICATION**

I, James A. Neilson, duly appointed Clerk of Hamburg Township, Livingston County, Michigan; do hereby certify that the foregoing Hamburg Township Coal Tar ordinance was adopted at a regular meeting of the Hamburg Township Board held on July 19, 2016 at which the following members were present:

Original signed by:



James A. Neilson

Hamburg Township Clerk

Ayes: Carlson, Dolan, Hahn, Hohl, Menzies, Negri, Neilson

Nays: None

Absent: None

Date Passed: July 19, 2016

Publication Date: July 26, 2016

Effective Date: August 24, 2016



## **ORDINANCE REGULATING COAL TAR SEALANT PRODUCTS**

### **A CITY ORDINANCE REGULATING THE USE OF COAL TAR BASED SEALER PRODUCTS**

#### **ORDINANCE NO. 2016-03**

#### **AN ORDINANCE TO ENFORCE THE STATUTORY PROHIBITION ON THE USE AND SALE OF COAL TAR AND OTHER HIGH PAH CONTENT SEALANT PRODUCTS WITHIN THE CITY OF DEXTER.**

#### **THE CITY COUNCIL OF THE CITY OF DEXTER DOES ORDAIN:**

##### **SECTION 1. PURPOSE.**

The City of Dexter 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.

The purpose of this ordinance is to prohibit the use and sale of sealant products containing >0.1% Polycyclic Aromatic Hydrocarbons (PAHs) by weight, including coal tar-based sealer in the City of Dexter, in order to protect, restore, and preserve the quality of its waters and protect the health of its residents.

##### **SECTION 2. 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.

***COAL TAR.*** A byproduct of the process used to manufacture coke from coal.

***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 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.

***CITY.*** The City of Dexter.

**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 assigned the chemical abstracts service number 64742-90-1, 69013-21-4 or related substances containing more than 0.1% PAHs, by weight.

**PERSON.** An individual, trustee, executor, fiduciary, corporation, firm, partnership, association, organization, or other legal entity acting as a unit.

**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 3. PROHIBITIONS.**

In accordance with this ordinance:

- A. No person shall apply a coal tar or other high PAH content sealant product on asphalt paved surfaces within the City.
- B. No person shall sell a coal tar or other high PAH content sealant product that is formulated or marketed for application on asphalt-paved surfaces within the City.
- C. No person 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 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 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 or other high PAH content sealant product to any driveway, parking lot, or other surface within the City.

### **SECTION 4. ASPHALT BASED SEALCOAT PRODUCTS.**

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

### **SECTION 5. REGISTRATION AND REPORTING REQUIREMENTS AND PROCEDURES FOR COMMERCIAL APPLICATORS**

- (1) All commercial applicators shall register with the city prior to applying pavement sealant in the city in any calendar year.
- (2) Registration under this chapter shall be valid until expiration. Registration shall begin on January 1 and shall expire on December 31 of each calendar year.
- (3) Commercial applicators shall submit a complete registration application to the City Offices, along with the registration fee according to the schedule established by resolution of City Council. The fee shall be calculated to include the cost of registration application review and periodic field inspection.
- (4) The following information shall be included in a complete application for registration:
  - (a) The legal name of the commercial applicator, any other names used, the address, telephone number and contact person for the applicant.
  - (b) The product name, type of use, and PAH content including CAS numbers.
  - (c) A notarized, sworn statement signed by an owner or duly authorized representative of a commercial applicator indicating that the applicator will comply with the requirements of the Ordinance of the city throughout the registration period.
  - (d) All other information requested on the application.
- (5) The application shall be approved if it is complete, the applicator has complied with the previous year's reporting requirement, and the use of pavement sealant complies with this chapter.
- (6) The application for registration shall be approved or denied within 21 days of submission of a completed application.
- (7) A registered applicator shall notify the City in writing of any change in the information in the application for registration within 7 days of any such change.

#### **SECTION 6. PENALTY.**

Any person convicted of violating any provision of this ordinance is guilty of a misdemeanor and shall be punished by a fine not to exceed ten thousand dollars (\$10,000.00) or imprisonment for not more than ninety (90) days, or both, plus all costs of prosecution, including but not limited to staff and time and attorney costs, in either case.

#### **SECTION 7. SEVERABILITY.**

If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

**SECTION 8. EFFECTIVE DATE.**

This ordinance becomes effective on the date of its publication.

This ordinance was adopted by Council on Monday, July 25, 2016 and is effective upon its publication on August 3, 2016.

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**Mayor**

**Attested:**

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**Clerk**

**TOWNSHIP OF SCIO**  
**WASHTENAW COUNTY, MICHIGAN**

**ORDINANCE NO. 2016-1**

**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 SCIO.**

The Board of Trustees of the Township of Scio hereby ordains the following amendments to the Code of Ordinances of the Township of Scio, Washtenaw County, Michigan to add and read as follows:

**Chapter 16 Environment**

**Article VII Use of Coal Tar Based Sealer Products**

**SECTION 16-321. PURPOSE.**

The Township of Scio 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.

The purpose of this ordinance is to prohibit the use and sale of sealant products containing >0.1% Polycyclic Aromatic Hydrocarbons (PAHs) by weight, including coal tar-based sealer in the Township of Scio in order to protect, restore, and preserve the quality of its waters and protect the health of its residents.

**SECTION 16-322. 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.

**COAL TAR.** A byproduct of the process used to manufacture coke from coal.

**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 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.

**TOWNSHIP.** The Township of Scio.

**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 assigned the chemical abstracts service number 64742-90-1, 69013-21-4 or related substances containing more than 0.1% PAHs, by weight.

**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 16-323. PROHIBITIONS.**

In accordance with

- A. No person shall apply a coal tar or other high PAH content sealant product on asphalt-paved surfaces within the Township of Scio.
- B. No person shall sell a coal tar or other high PAH content sealant product that is formulated or marketed for application on asphalt-paved surfaces within the Township of Scio.
- C. No person 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 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 shall direct any employee, independent contractor, volunteer, or other person to apply any coal tar or other high PAH content sealant product to any driveway, parking lot, or other surface within the Township.

**SECTION 16-324. 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 affect the use of asphalt-based sealer products within the Township.

**SECTION 16-325. PENALTY.**

Any person convicted of violating any provision of this ordinance is guilty of a civil infraction pursuant to Section 1-8 Municipal Civil Infraction.

**SECTION 16-326. SEVERABILITY.**

If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

**SECTION 16-327. EFFECTIVE DATE.**

This ordinance becomes effective 7 days after the date of its publication.

This ordinance is hereby declared to be adopted by the Board of Trustees of the Township of Scio at a meeting called and held on the 14th day of June, 2016.

Ayes: Clark, Green, Hedberg, Knowles and Read

Nays: none

Absent: DeLong and Palmer

TOWNSHIP OF SCIO  
WASHTENAW COUNTY, MICHIGAN

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**E. Spaulding Clark, Township Supervisor**

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**Nancy J. C. Hedberg, Township Clerk**

ADOPTED: June 14, 2016

PUBLISHED: June 20, 2016

EFFECTIVE: June 27, 2016

**CERTIFICATION:**

I, Nancy J. C. Hedberg, Clerk of the Township of Scio, Washtenaw County, Michigan, do hereby certify that the foregoing is a true and complete copy of the ordinance that is an amendment to the Scio Township ordinances, adopting a statutory prohibition on the use and sale of coal tar and other high PAH content sealant products within the Township of Scio, and approved by the Scio Township Board of Trustees on the 14<sup>th</sup> day of June, 2016, and given publication in the Washtenaw County Legal News, a newspaper of general circulation, on the 20th day of June, 2016.

In witness whereof I have hereunto affixed my official seal this 15th day of June, 2016.

s/ \_\_\_\_\_

Nancy J. C. Hedberg, Clerk

Draft Date  
07/01/16

**SPRING LAKE TOWNSHIP**

**ORDINANCE NO. 251**

**COAL TAR PRODUCTS PROHIBITION ORDINANCE**

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF SPRING LAKE TOWNSHIP, OTTAWA COUNTY, MICHIGAN, TO ADD A NEW ARTICLE VII OF CHAPTER 14, ENTITLED COAL TAR PRODUCTS, WHICH PROVIDES FOR THE PROHIBITION OF THE USE OF COAL TAR PRODUCTS; AND TO ESTABLISH AN EFFECTIVE DATE FOR THIS ORDINANCE.

THE TOWNSHIP OF SPRING LAKE, COUNTY OF OTTAWA, AND STATE OF MICHIGAN, ORDAINS:

Section 1. Amendment of Chapter 14. Article VII of Chapter 14 of the Spring Lake Township Code of Ordinances, is hereby added, which Article will be known and cited as the "Spring Lake Township Coal Tar Products Prohibition Ordinance," and shall read in its entirety as follows.

**"ARTICLE VII. COAL TAR PRODUCTS**

**Sec. 14-385. Intent and purpose.**

The township 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 suggested a relationship between stormwater runoff and certain health and environmental concerns. The purpose of this article is to prohibit in the township the use and sale of sealant products containing greater than one percent Polycyclic Aromatic Hydrocarbons (PAHs) by weight, including coal tar sealer, in order to protect, restore, and preserve the quality of the township's waters, preservation of wildlife, and protect the health of township residents.

**Sec. 14-386. Definitions.**

The following words and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning.

*Asphalt based sealer* means a petroleum based sealer material that is commonly used on driveways, parking lots, and other surfaces and may contain PAHs but at a much lower concentration than found in coal tar based sealers.

*Coal tar* means a byproduct of the process used to refine coal.

*Coal tar sealant product* means a surface applied sealing product for application on asphalt, concrete, or other pavement, including a driveway or parking area, 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.

*High PAH content sealant product* means any pavement sealant product that contains greater than one percent PAHs by weight.

*PAHs (Polycyclic Aromatic Hydrocarbons)* means a group of organic chemicals formed during the incomplete burning of coal, oil, gas, or other organic substances, which are present in coal tar and believed harmful to humans, fish, and other aquatic life.

**Sec. 14-387. Prohibitions on use of coal tar products.**

- (a) No person may use or apply a coal tar or coal tar sealant product or other high PAH content sealant product on asphalt paved surfaces within the township.
- (b) No person shall sell or offer to sell a coal tar or coal tar sealant product or other high PAH content sealant product that is formulated or marketed for application on asphalt paved surfaces within the township.
- (c) No person shall allow a coal tar or coal tar sealant product or other high PAH content sealant product to be used or applied upon property with the township 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 or coal tar sealant product 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 shall direct any employee, independent contractor, volunteer, or other person to apply any coal tar or coal tar sealant product or other high PAH content sealant product to any driveway, parking lot, or other surface with the township.

**Sec. 14-388. Asphalt based sealant products.**

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

**Sec. 14-389. Violations; penalties; enforcement.**

- (a) A violation of this article is a municipal civil infraction, for which the fine shall be not less than \$250.00 or more than \$500.00 for the first offense, and not less than \$500.00 or more than \$1,000.00 for a subsequent offense, in the discretion of the court, and in addition to all other costs, damages, expenses and actual attorney's fees incurred by the township in enforcing this article or remedying the violation of this article. For purposes of this section, the term "subsequent offense" means a violation of this article committed with respect to a separate incident by the same person within 12 months after a previous violation of this article for which the person admitted responsibility or was adjudicated to be responsible. Each day that a violation occurs shall constitute a separate offense.
- (b) A violation of this article is declared to be a nuisance per se. In addition to other penalties and remedies, the township may seek injunctive relief against the violator, in addition to other relief provided by law."

Section 2. Effective Date. This Ordinance was approved and adopted by the Township Board of the Township of Spring Lake, Ottawa County, Michigan, on July 11, 2016. This Ordinance shall be effective January 1, 2017, pursuant to the provisions of Act No. 191 of the Public Acts of 1939, as amended.

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John Nash, Township Supervisor

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H. Carolyn Boersma, Township Clerk

CERTIFICATE

I, H. Carolyn Boersma, Clerk for the Township of Spring Lake, Ottawa County, Michigan, certify that the foregoing Coal Tar Products Prohibition Ordinance was adopted at a regular meeting of the Township Board held on July 11, 2016. The following members of the Township Board were present at that meeting: John Nash, Jim Koster, H. Carolyn Boersma, Rick Homan, Ron Lindquist, Lawrence Mierle, and Rachel Terpstra. The following members of the Township Board were absent: none. The Ordinance was adopted by the Township Board with members of the Board Nash, Koster, Boersma, Homan, Lindquist, Mierle, and Terpstra voting in favor and members of the Board none voting in opposition. The Ordinance or a summary of the Ordinance was published in the Grand Haven Tribune on July 20, 2016.

H. Carolyn Boersma, Township Clerk