



Office of the City Clerk

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Legislation Text

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ORDINANCE

WHEREAS, the City of Chicago is a home rule unit government pursuant to the 1970 Illinois Constitution, Article VII, Section 6(a); and

WHEREAS, pursuant to its home rule power, the City of Chicago may exercise any power and perform any function relating to its government and affairs, including the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, coal tar sealants are used on asphalt driveways and parking lots to protect surfaces from weathering; and

WHEREAS, coal tar contains high levels of benzo(a)pyrene and other toxic chemicals known collectively as polycyclic aromatic hydrocarbons, or PAHs, which have been linked to cancer and other health problems; and

WHEREAS, in Lake of the Hills, approximately 50 miles northwest of Chicago, researchers from the U.S. Geological Survey found levels of benzo(a)pyrene, one of the most toxic chemicals in coal tar, in the dust from coal tar-covered driveways that were up to 5,300 times higher than the level that triggers a U.S. Environmental Protection Agency Superfund cleanup at polluted industrial sites; and

WHEREAS, other researchers have found significantly higher PAH levels in runoff from parking lots sealed with coal tar than in runoff from asphalt-sealed lots; and

WHEREAS, coal tar sealants have been banned in the state of Washington, counties in Maryland, New York and Wisconsin, the cities of Austin, Texas, South Barrington, Illinois, and over two dozen Minnesota cities; and

WHEREAS, the City Council of the City of Chicago hereby finds that it is in the best interest of the public health, safety and welfare to prohibit the sale and use of sealants containing coal tar; NOW THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. The above recitals are expressly incorporated herein and made part hereof as though fully set forth herein.

SECTION 2. Chapter 7-28 of the Municipal Code of Chicago is hereby amended by inserting a new section 7-28-634 as follows:

Coal tar sealants - Prohibition on sale and use.

a) As used in this section, the term "coal tar sealer" shall mean a sealer material containing coal tar for use on an asphalt or concrete surface, including a playground, driveway, or parking area.

b) It shall be unlawful for any person to sell, offer or expose for sale, give or furnish any coal tar sealer within the City of Chicago.

c) It shall be unlawful for any person to apply any coal tar sealer to any playground, driveway, parking lot, or other surface within the City of Chicago.

d) It shall be unlawful for any person to contract for the application of any coal tar sealer to any playground, driveway, parking lot or other surface within the City of Chicago.

e) It shall be unlawful for any person to direct any employee, independent contractor, volunteer, or other person to apply any coal tar sealer to any playground, driveway, parking lot, or other surface within the City of Chicago.

f) Any person violating this section shall be fined not less than \$ 100.00 nor more than \$300.00 for the first offense, and not less than \$300.00 nor more than \$500.00 for the second and each subsequent offense. Each day that a violation continues shall constitute a separate and distinct offense.

SECTION 3. This ordinance shall be in full force and effect 30 days after its passage and publication.

William Burns, Alderman, 4 Ward

