



# Office of the City Clerk

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## Legislation Details (With Text)

**File #:** O2017-3273

**Type:** Ordinance                      **Status:** Failed to Pass

**File created:** 4/19/2017                      **In control:** City Council

**Final action:**

**Title:** Amendment of Municipal Code Chapter 7-28 by adding new Section 7-28-634 to prohibit sale and use of coal tar sealants

**Sponsors:** Waguespack, Scott, Arena, John

**Indexes:** Ch. 28 Health Nuisances

**Attachments:** 1. O2017-3273.pdf

Date	Ver.	Action By	Action	Result
5/29/2019	1	City Council	Failed to Pass	
4/19/2017	1	City Council	Referred	

**Committee on Health and Environmental Protection**  
**April 19, 2017 City Council Meeting**

### ORDINANCE

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

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

WHEREAS, coal tar sealants are widely used in the City of Chicago, and can be found everywhere from driveways to school playgrounds; and

WHEREAS, more than 85 million tons of coal tar based sealants are used in the United States every year; and

WHEREAS, the wide use of coal tar sealants also results in contamination of water through run-off; and

WHEREAS, whereas coal tar contains high levels of toxic chemicals such as polycyclic aromatic hydrocarbons (PAH); and

WHEREAS, exposure to the chemicals in coal tar are proven to cause such health problems as birth defects and an increased risk of lung, skin, bladder, and respiratory cancers, especially among children who are exposed to PAHs; and

WHEREAS, three cities in Illinois have enacted outright bans on the use of coal tar sealants, and numerous other counties and municipalities have adopted partial bans; and

WHEREAS, statewide bans of coal tar sealants have been enacted in Washington and Minnesota; and

WHEREAS, in 2016, the American Medical Association recommended that legislation be enacted to ban the use of sealants containing PAHs, such as coal tar sealants due to the grave health and environmental risk presented by PAHs, 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 the underscored language in new section 7-28-634 as follows:

**7-28-634 Coal tar sealants - Prohibition on sale and use.**

- a) As used in this section, the term "coal tar sealant" shall mean a sealant 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 for sale, give or provide any coal tar sealant within the geographical boundaries of the City of Chicago.
- c) It shall be unlawful for any person to utilize or apply any coal tar sealant 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 sealant 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 sealant 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 60 days after its passage and publication.

Scott Waguespack Alderman, 32nd Ward