

V. PROHIBITING THE USE AND SALE OF COAL TAR-BASED SEALANTS**§511.101. PURPOSE.**

The City of White Bear Lake highly values lakes, rivers, streams and other bodies of water as 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 surfaces is a common maintenance practice. However, scientific studies on the use of pavement sealers have demonstrated a relationship between stormwater runoff and certain health and environmental conditions, including the presence of Polycyclic Aromatic Hydrocarbons, a known carcinogen.

The purpose of this ordinance is to regulate the use of sealer products within the City of White Bear Lake, in order to protect, restore, and preserve the quality of its waters. Further, it is the purpose of this ordinance to enhance compliance with the application prohibition through regulating sale of certain products.

§501.020. 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 clear 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 which does not contain coal tar.

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

COAL TAR-BASED SEALER. A sealer material containing coal tar and is for use on an asphalt or concrete surface, including a driveway or parking area.

CITY. The City of White Bear Lake.

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.

§511.030. USE OF COAL TAR-BASED SEALER PROHIBITED.

Subd. 1. No person shall apply any coal tar-based sealer to any driveway, parking lot, or other surface within the City of White Bear Lake.

Subd. 2. 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-based sealer to any driveway, parking lot, or other surface within the City.

Subd. 3. 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-based sealer to any driveway, parking lot, or other surface within the City. A person who owns property on which a coal tar-based sealer is used is presumed to have used a coal tar-based sealer in violation of this section.

§511.040. SALE OF COAL TAR-BASED SEALER RESTRICTED

Subd. 1. A person may not sell a coal tar-based sealer product within the City, unless:

- a) The sale is to a person who intends to use the coal tar-based sealer outside the City's planning jurisdiction; and
- b) The seller requires the purchaser to complete and sign a form provided by the City that includes:
 1. The name, address, and phone number of the purchase,
 2. The date of the purchase,
 3. The quantity of coal tar-based sealer purchased,
 4. A statement that the coal tar-based sealer will not be used within the City of White Bear Lake, and
 5. An affirmation by the purchaser that the information on the form is correct, and
 6. The seller retains the completed form for a period of not less than two years and allows the City to inspect or copy of the form upon request.

§511.050. ASPHALT-BASED SEALCOAT PRODUCTS.

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

§511.060

PUBLIC HEALTH, WELFARE AND SANITATION

§511.070

§511.060. 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 one thousand dollars (\$1,000.00) or imprisonment for not more than ninety (90) days, or both, plus the costs of prosecution in either case.

§511.070. 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. (Ref. Ord. 10-4-1069, 4/27/10)