

AN ORDINANCE AMENDING CHAPTER 18, BUILDING AND BUILDING REGULATIONS, OF THE CITY OF ROLLING MEADOWS CODE OF ORDINANCES TO BAN THE USE OF COAL TAR PAVEMENT SEALANTS OR PAVEMENT SEALANTS THAT EXCEED .01% POLYCYCLIC AROMATIC HYDROCARBONS WITHIN THE CITY OF ROLLING MEADOWS

WHEREAS, the City of Rolling Meadows ("City") is an Illinois municipal corporation and home rule unit of local government organized and operating in accordance with the Illinois Municipal Code, 65 ILCS 5/1-1-1, *et seq.* ("Illinois Municipal Code"); and

WHEREAS, pursuant to its home rule power, the City 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, the Illinois Municipal Code (65 ILCS 5/11-30-1 *et seq.*) authorizes the City to regulate and provide for the supervision of building and construction materials, governing the construction of buildings, structures, and accessories in the City; and

WHEREAS, the City previously adopted building code regulations, which are currently located in Chapter 18 of the City of Rolling Meadows Code of Ordinances ("Buildings and Building Regulations"); and

WHEREAS, the City wishes to add regulations to Article VII, entitled "Driveways and Parking Areas", of Chapter 18, that ban the use of coal tar pavement sealants or pavement sealants that exceed .01% polycyclic aromatic hydrocarbons within the City of Rolling Meadows, as set forth in Exhibit A to this Ordinance ("Coal Tar Regulations"); and

WHEREAS, the Environmental Committee reviewed the proposed code amendments at its February 1, 2022 meeting, and recommends Council approve the Coal Tar Regulations; and

WHEREAS, the Committee of the Whole discussed the recommended Coal Tar Regulations at its February 15, 2022 Committee of the Whole meeting; and

WHEREAS, it is in the best interest of the City of Rolling Meadows to adopt the Coal Tar Regulations to safeguard the health, safety and welfare of the citizens of the City and protect property by banning the use of coal tar substances as proposed in the Coal Tar Regulations; and

WHEREAS, the City Council finds that adopting the Coal Tar Regulations would protect and promote the public health, safety and welfare; and

WHEREAS, the City Council wishes to adopt the Coal Tar Regulations in accordance with the terms of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY CITY COUNCIL OF THE CITY OF ROLLING MEADOWS, COOK COUNTY, ILLINOIS, AS FOLLOWS:

SECTION ONE: The foregoing recitals are incorporated in this Section as though fully set forth herein.

SECTION TWO: The City Council finds that it is in the City's best interests to adopt and approve the Coal Tar Regulations.

SECTION THREE: Article VII, entitled "Driveways and Parking Areas", of Chapter 18, entitled "Buildings and Building Regulations", is hereby amended by adding thereto a new Section 18-247, in order to implement the Coal Tar Regulations set forth in Exhibit A, attached hereto and incorporated herein.

SECTION FOUR: In the event that a conflict exists between the terms of this Ordinance and any other ordinance or resolution of the City, the terms of this Ordinance shall govern.

SECTION FIVE: If any part, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the remaining sections, subsections and clauses shall not be affected thereby.

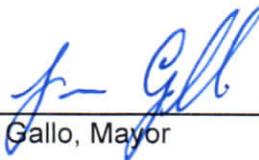
SECTION SIX: This Ordinance shall be in full force and effect from and after January 1, 2023, and the provisions of the City of Rolling Meadows Code of Ordinances amended herein shall be reprinted with the changes.

PASSED AND APPROVED by the City Council of Rolling Meadows, Cook County, Illinois this 14th day of June, 2022.

AYES: Sanoica, Budmats, O'Brien, Bisesi

NAYS: 0

ABSENT: McHale, Vinezeano, Reyez



Joe Gallo, Mayor

ATTEST:



Judith Brose, Deputy City Clerk

Published this 15th day of June, 2022.



Judith Brose, Deputy City Clerk

Exhibit A
Coal Tar Regulations

(To be added to Article VII "Driveways and Parking Areas" of Chapter 18 "Building and Building Regulations")

Section 18-247 – Banning the Use of Coal Tar Pavement Sealants and Products that Exceed .01% Polycyclic Aromatic Hydrocarbons

(A) Definitions.

For the purposes of this Section, the following words and phrases shall have the meanings respectively ascribed to them:

Coal Tar Sealants and/or Coal Tar Products means any pavement sealant that exceeds .01% total Polycyclic Aromatic Hydrocarbons (PAH's) by weight, or pavement sealant or sealcoat products that contain coal tar, coal tar pitch, coal tar derivatives, coal tar pitch volatiles, coal tar mixtures or any variation assigned to the Chemical Abstracts Service (CAS) numbers 65996-93-2, 65996-89-6, or 8007-45-2.

Contractor means and includes anyone engaged in the business of cement or concrete contracting, either flat, form or wall work; as a masonry contractor; as a carpenter contractor; or as a general building contractor; and any person engaged in the construction, alteration or repair of buildings or other structures or sidewalks or street pavements.

Pavement sealing means the application of sealant or sealcoat products to maintain any surface, including but not limited to: a street, driveway, driveway approach, drive aisle, on or off-street parking area, sidewalk, bike trail, patio, sports facility, loading area or facility, roadway or similar paved surface.

Person means any individual, partnership, firm, trust, corporation, or limited liability company.

Polycyclic Aromatic Hydrocarbons (PAH or PAH's) are a type of chemical that occurs naturally in gasoline, crude oil, and coal. PAH's in Coal Tar are known carcinogens to humans as well as harmful to animals, aquatic life, and invertebrates.

(B) Purpose.

It is the intent and purpose of this Section to provide regulations that protect the natural assets within the City, including ponds, streams, and wetlands, and which enhance the City's environmental and recreational resources, and contribute to the health and welfare of the community.

(C) Applicability.

Sale of Coal Tar Products Prohibited: No person may sell, offer or display for sale within the City, at wholesale or retail, Coal Tar Products of any kind.

Use of Coal Tar Products Prohibited: On public and private property, no coal tar products of any kind shall be applied or used on the surface of any driveway, driveway approach, on or

off-street parking area, playground sidewalk, bike trail, patio, sports facility, loading area or facility, street, highway, roadway, or paved surface within the City.

(D) Sales and Advertisement:

The Sale of Coal Tar Products or Coal Tar Sealants in the City of Rolling Meadows is prohibited. No person shall sell, offer or display for sale within the City of Rolling Meadows, at wholesale or at retail, Coal Tar Products of any kind.

(E) License Required

No pavement Contractor may perform any pavement sealing without first obtaining an annual contractor's license therefor from the City, in accordance with the City Code.

(F) Penalty.

Any person found guilty of violating any provisions of this chapter shall be subject to a fine of not less than \$100.00, or more than \$500.00. Every day that such violation is permitted to exist, or is maintained by the owner or occupant, shall be considered a separate offense.

(G) Effective Date

The effective date of this Section is January 1, 2023.