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**AN ORDINANCE  
of the  
CITY OF  
MINNEAPOLIS**

By Colvin Roy

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**Amending Title 3 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection by adding a new Chapter 60 relating to Coal Tar Based Sealer Products.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 60 to read as follows:

**CHAPTER 60. COAL TAR-BASED SEALER PRODUCTS**

**60.10. Purpose.** The City of Minneapolis understands that lakes, rivers, streams and other bodies of water are natural assets that enhance the environmental, recreational, cultural and economic resources and contribute to the general health and welfare of the community. The City of Minneapolis Comprehensive Plan supports protection of these resources. The use of sealers on asphalt driveways, parking lots and other surfaces is a common practice. However, scientific studies on the use of coal tar-based sealer products have demonstrated a relationship between stormwater runoff and certain health and environmental concerns. The purpose of this ordinance is to regulate sealer products within the City of Minneapolis, in order to protect, restore, and preserve the quality of its waters.

**60.20. 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 chapter, 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 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 that has not been mixed with asphalt and which is commonly used on driveways, parking lots and other surfaces.

*City.* The City of Minneapolis.

*MPCA.* The Minnesota Pollution Control Agency.

*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.

**60.30. Prohibitions.** (a) No person shall apply any undiluted coal tar-based sealer to any driveway, parking lot, or other surface within the City of Minneapolis.

(b) No person shall contract with any applicator, 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.

(c) No applicator, developer, or other 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.

(d) A person may not sell a coal tar based sealer product within the City, unless:

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

**60.40. Exemption.** Upon the express written approval from both the City and the MPCA, a person conducting bona fide research on the effects of coal tar-based sealer products or PAHs on the environment shall be exempt from the prohibitions provided in section 60.30.

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

**60.60. Penalties.** Any person violating any provision of this chapter may be subject to the penalties as provided pursuant to section 1.30 and chapter 2 of this Code. This chapter may also be enforced by injunction, abatement, mandamus, or any other appropriate civil, criminal or administrative remedy in any court of competent jurisdiction.

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

**60.80. Effective date.** This chapter shall take effect on January 1, 2013.