

**CITY OF CIRCLE PINES
COUNTY OF ANOKA
STATE OF MINNESOTA**

**ORDINANCE NO. 123
(Second Series)**

**AN ORDINANCE ADDING TO THE CITY CODE SECTION 717 REGULATING
THE USE OF COAL TAR-BASED SEALER PRODUCTS WITHIN THE CITY
OF CIRCLE PINES, MINNESOTA**

The City Council of the City of Circle Pines ordains as follows:

**SECTION 1. THE CITY COUNCIL OF CIRCLE PINES ADDS SECTION 717 TO
READ AS FOLLOWS:**

717.01 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 clearly indicates or requires a different meaning:

A. 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.

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

C. UNDILUTED 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.

D. MPCA. The Minnesota Pollution Control Agency.

E. 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.

717.02 PROHIBITIONS.

A. No person shall apply any undiluted coal tar-based sealer to any driveway, parking lot, or other surface within the City of Circle Pines.

B. No person shall contract with any commercial sealer product applicator, residential or commercial developer, or any other person for the application of any undiluted coal tar-based sealer to any driveway, parking lot, or other surface within the City.

C. 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 undiluted coal tar-based sealer to any driveway, parking lot, or other surface within the City.

717.03 EXEMPTION.

Upon the express written approval from both the City and the MPCA, a person conducting bona fide research on the effects of undiluted coal tar-based sealer products or PAHs on the environment shall be exempt from the prohibitions provided in Section 3.

717.04 ASPHALT-BASED SEALCOAT PRODUCTS.

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

SECTION 2. EFFECTIVE DATE.

This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by Minn. Stat. § 412.191, subd. 4, as it may be amended from time to time, which meets the requirements of Minn. Stat. § 331A.01, subd. 10, as it may be amended from time to time

Adopted this 25th day of May 2010, by the Circle Pines City Council.

Dave Bartholomay, Mayor

ATTEST:

(SEAL)

James W. Keinath, City Administrator

First Reading: May 11, 2010

Second Reading: May 25, 2010

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