ORDINANCE NO. 2012-96

AN ORDINANCE AMENDING TITLE 4 OF THE VILLAGE OF SOUTH
BARRINGTON CODE OF ORDINANCES REGULATING THE APPLICATION AND
SALE OF COAL TAR SEALCOAT PRODUCTS

WHEREAS, the Corporate Authorities find that Village’s water resources are a natural asset, which enhance the environmental, recreational, cultural and economic resources of the area and contribute to the general health and welfare of the public.

WHEREAS, the Corporate Authorities further find that polycyclic aromatic hydrocarbons (PAHs), which are contained in coal tar sealants, can be carried by storm water and other run off into the water resources of the Village of South Barrington.

WHEREAS, the Corporate Authorities further find that PAHs are harmful to aquatic life and human health.

WHEREAS, the Corporate Authorities further find that environmental impacts can be minimized and pavements can be maintained by utilizing alternative products, absent PAHs.

WHEREAS, the Corporate Authorities further find that regulating the amount of contaminants, including PAHs contained in coal tar sealcoat products, entering the water resources of the Village of South Barrington will improve and protect the water quality of the Village of South Barrington and neighboring water resources.

NOW, THEREFORE, be it ordained by the Village President and Board of Trustees of the Village of South Barrington, Illinois, as follows:

SECTION 1: Title 4 of the Village of South Barrington Code of ordinances is amended to add a new Chapter 16 to read as follows:

CHAPTER 16. COAL TAR PAVEMENT PRODUCTS

16-1: DEFINITIONS.

(1) COAL TAR is a byproduct of the process used to refine coal. Coal tar contains high levels of polycyclic aromatic hydrocarbons (PAHs).

(2) COAL TAR PAVEMENT PRODUCT means a material that contains coal tar and is for use on an asphalt or concrete surface, including a driveway or parking area.

(3) POLYCYCLIC AROMATIC HYDROCARBONS (PAHs) are a group of organic chemicals that are present in coal tar and are an environmental concern because they are toxic to aquatic life.

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(4) SEALCOAT is a black liquid that is sprayed or painted on asphalt pavement in an effort to protect and beautify the asphalt. Most sealcoat products are coal tar or asphalt based.

16-2: ENFORCEMENT.

Violations of this ordinance will be enforced by the Village of South Barrington.

16-3: REGULATION OF THE APPLICATION OF SEALCOAT PRODUCTS CONTAINING COAL TAR.

(1) No person shall apply any coal tar containing sealcoat product within the Village of South Barrington.

(2) A person who owns property on which a coal tar pavement product is used is presumed to have used a coal tar pavement product in violation of this section.

16-4: PENALTY.

Violation and Penalty. Any violation of any provision of this section shall constitute a municipal civil infraction subject to the remedies specified in Title 1, Chapter 4 - General Penalty of this ordinance.

SECTION 2: Any ordinance, or portion of any ordinance, in conflict with the provisions of this ordinance is expressly repealed solely to the extent of said conflict.

SECTION 3: This Ordinance shall be in full force and effect from and after its passage, approval and publication in the manner as provided by law.

APPROVED by the President and Board of Trustees of the Village of South Barrington, Cook County, Illinois.

PASSED: This 12th day of April, 2012

APPROVED: This 12th day of April, 2012

ATTEST: 

Donna Wood, Village Clerk

APPROVED:

Frank J. Munao, Jr., Village President

AYES: 5    NAYS: 1    ABSTAIN: 0    ABSENT: 0

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