

ORDINANCE NO. 2011-15
AN ORDINANCE AMENDING THE EDINA CITY CODE
REGULATING THE USE OF COAL TAR BASED SEALER PRODUCTS

The City of Edina Ordains:

Section 1. Chapter 4 of the Edina City Code is amended by adding section 490 to read:

SECTION 490 - REGULATION OF COAL TAR BASED SEALER PRODUCTS

490.01 PURPOSE. The City of Edina understands that lakes, rivers, streams and other bodies of water are 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 driveways is a common practice. However, scientific studies on the use of driveway sealers have demonstrated a relationship between stormwater runoff and certain health and environmental concerns. The purpose of this code section is to regulate the use of sealer products within the City of Edina, in order to protect, restore, and preserve the quality of its waters.

490.02 DEFINITIONS. For the purpose of this code section, 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 and is for use on an asphalt or concrete surface, including a driveway or parking area.

490.03 USE OF COAL TAR BASED SEALER PROHIBITED.

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

B. 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.

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 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.

490.04 ASPHALT BASED SEALCOAT PRODUCTS. The provisions of this code section shall only apply to use of coal tar based sealer in the City and shall not affect the use of asphalt-based sealer products within the City.

Section 2. This ordinance is effective immediately upon its passage and publication.

First Reading: November 16, 2011

Second Reading: Waived

Published: November 23, 2011

Attest _____
Debra A. Mangen, City Clerk

James B. Hovland, Mayor