

**CITY OF BALTIMORE
COUNCIL BILL 15-0555
(First Reader)**

Introduced by: Councilmembers Kraft, Stokes, Branch, Scott, Welch, Clarke, Curran,
Middleton, Spector, Henry

Introduced and read first time: July 20, 2015

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Housing and Community
Development, Department of Finance

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Coal Tar Pavement Products – Prohibition on Use or Sale**

3 FOR the purpose of prohibiting the use or sale in the City of coal tar pavement products; defining
4 certain terms; providing for the publication of alternative pavement products that do not
5 contain coal tar; imposing certain penalties; and providing for a special effective date.

6 BY adding

7 Article 7 - Natural Resources

8 Sections 62-1 to 62-8, to be under the new subtitle designation,

9 “Subtitle 62. Coal Tar Pavement Products”

10 Baltimore City Code

11 (Edition 2000)

12 BY repealing and reordaining, with amendments

13 Article - Building, Fire, and Related Codes

14 Section 2-103 (BC § 3112.3)

15 Baltimore City Revised Code

16 (Edition 2000)

17 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
18 Laws of Baltimore City read as follows:

19 **Baltimore City Code**

20 **Article 7. Natural Resources**

21 **Division VI. Miscellaneous**

22 **SUBTITLE 62 . COAL TAR PAVEMENT PRODUCTS**

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

Council Bill 15-0555

1 **§ 62-1. DEFINITIONS.**

2 (A) *IN GENERAL.*

3 IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

4 (B) *BUILDING OFFICIAL.*

5 “BUILDING OFFICIAL” HAS THE MEANING STATED IN § 103.1 OF THE BALTIMORE CITY
6 BUILDING CODE.

7 (C) *COAL TAR PAVEMENT PRODUCT.*

8 “COAL TAR PAVEMENT PRODUCT” MEANS A PRODUCT THAT:

9 (1) CONTAINS COAL TAR; AND

10 (2) IS USED OR INTENDED TO BE USED TO COVER AN ASPHALT OR CONCRETE
11 SURFACE, INCLUDING A DRIVEWAY OR PARKING AREA.

12 (D) *INCLUDES; INCLUDING.*

13 “INCLUDES” OR “INCLUDING” MEANS BY WAY OF ILLUSTRATION AND NOT BY WAY OF
14 LIMITATION.

15 (E) *PERSON.*

16 (1) *IN GENERAL.*

17 “PERSON” MEANS:

18 (I) AN INDIVIDUAL;

19 (II) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION OR OTHER ENTITY OF
20 ANY KIND; OR

21 (III) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE,
22 FIDUCIARY, OR REPRESENTATIVE OF ANY KIND.

23 (2) *INCLUSIONS.*

24 “PERSON” INCLUDES, EXCEPT AS USED IN § 62-8 {“PENALTIES”} OF THIS SUBTITLE,
25 A GOVERNMENTAL ENTITY OR AN INSTRUMENTALITY OR UNIT OF A
26 GOVERNMENTAL ENTITY.

27 **§ 62-2. {RESERVED}**

Council Bill 15-0555

1 **§ 62-3. PROHIBITED CONDUCT.**

2 (A) *USE OF PRODUCT.*

3 (1) NO PERSON MAY USE A COAL TAR PAVEMENT PRODUCT IN THE CITY.

4 (2) IF A COAL TAR PAVEMENT PRODUCT IS APPLIED TO AN ASPHALT OR CONCRETE
5 SURFACE ON ANY PROPERTY, BOTH THE APPLICATOR AND THE OWNER OF THE
6 PROPERTY ARE IN VIOLATION OF THIS SUBSECTION.

7 (B) *SALE OF PRODUCT.*

8 NO PERSON MAY SELL OR OFFER FOR SALE A COAL TAR PAVEMENT PRODUCT IN THE CITY.

9 **§ 62-4. {RESERVED}**

10 **§ 62-5. ADMINISTRATION.**

11 (A) *BUILDING OFFICIAL TO ADMINISTER AND ENFORCE.*

12 THE BUILDING OFFICIAL ADMINISTERS AND GENERALLY ENFORCES THIS SUBTITLE.

13 (B) *RULES AND REGULATIONS.*

14 (1) THE BUILDING OFFICIAL MAY ADOPT RULES AND REGULATIONS TO CARRY OUT THIS
15 SUBTITLE.

16 (2) A COPY OF THESE RULES AND REGULATIONS MUST BE FILED WITH THE DEPARTMENT
17 OF LEGISLATIVE REFERENCE BEFORE THEY BECOME EFFECTIVE.

18 (C) *PUBLICATION OF ALTERNATIVES.*

19 THE BUILDING OFFICIAL MUST PUBLISH A LIST OF ALTERNATIVE PAVEMENT PRODUCTS
20 THAT:

21 (1) ARE AVAILABLE FOR USE ON ASPHALT AND CONCRETE; AND

22 (2) DO NOT CONTAIN COAL TAR.

23 **§ 62-6. REMEDIATION AND INJUNCTIVE RELIEF.**

24 (A) *REMEDIATION.*

25 THE BUILDING OFFICIAL MAY REQUIRE PERSONS WHO VIOLATE THIS SUBTITLE TO
26 REMEDiate THE SURFACE TO WHICH THEY APPLIED A COAL TAR PAVEMENT PRODUCT.

27 (B) *INJUNCTIVE RELIEF.*

28 THE CITY SOLICITOR OR ANY AFFECTED PARTY MAY FILE AN ACTION IN A COURT OF
29 COMPETENT JURISDICTION TO ENJOIN REPEATED VIOLATIONS OF THIS SUBTITLE.

Council Bill 15-0555

1 § 62-7. *{RESERVED}*

2 § 62-8. **PENALTIES.**

3 (A) *IN GENERAL.*

4 ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE OR OF A RULE OR
5 REGULATION ADOPTED UNDER THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND, ON
6 CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 FOR EACH OFFENSE.

7 (B) *EACH DAY A SEPARATE OFFENSE.*

8 EACH DAY THAT A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

9 **Baltimore City Revised Code**

10 **Article - Building, Fire, and Related Codes**

11 **Part II. International Building Code**

12 § 2-103. **City modifications.**

13 The additions, deletions, amendments, and other modifications adopted by the City are as
14 follows:

15 **Chapter 31. Special Construction**

16 **Section 3112 Parking Lots, Driveways, and Other Paved Surfaces**

17 **3112.3 Surface paving.** Parking lots, parking pads, driveways, and private roads must be
18 paved with asphalt, brick, concrete, macadam, or stone block. Permeable paving systems
19 may be utilized in accordance with the rules and regulations of the Department of Public
20 Works. All paving must be able to support the design loads for the proposed vehicular traffic.
21 THE USE OF A COAL TAR PAVEMENT PRODUCT, AS DEFINED IN CITY CODE ARTICLE 7
22 {“NATURAL RESOURCES”}, SUBTITLE 62 {COAL TAR PAVEMENT PRODUCTS”}, IS
23 PROHIBITED.

24 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
25 are not law and may not be considered to have been enacted as a part of this or any prior
26 Ordinance.

27 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on January 1,
28 2016.