



Legislation Details (With Text)

**File #:** 15-0555      **Version:** 0      **Name:** Coal Tar Pavement Products - Prohibition on Use or Sale

**Type:** Ordinance      **Status:** Failed - End of Term

**File created:** 7/20/2015      **In control:** Judiciary and Legislative Investigations

**On agenda:**      **Final action:** 12/5/2016

**Enactment date:**      **Enactment #:**

**Title:** Coal Tar Pavement Products - Prohibition on Use or Sale  
FOR the purpose of prohibiting the use or sale in the City of coal tar pavement products; defining certain terms; providing for the publication of alternative pavement products that do not contain coal tar; imposing certain penalties; and providing for a special effective date.

**Sponsors:** James B. Kraft, Carl Stokes, Warren Branch, Brandon M. Scott, William "Pete" Welch, Mary Pat Clarke, Sharon Green Middleton, Robert Curran, Bill Henry, Rochelle Spector

**Indexes:** Coal Tar Pavement Products, Prohibition, Sale, Use

**Code sections:**

**Attachments:** 1. cb15-0555~1st Reader, 2. Finance 15-0555, 3. HCD 15-0555, 4. City Solicitor 15-0555

Date	Ver.	Action By	Action	Result
9/12/2016	0	Judiciary and Legislative Investigations	Scheduled for a Public Hearing	
7/23/2015	0	The City Council	Refer to City Solicitor	
7/23/2015	0	The City Council	Refer to Dept. of Housing and Community Development	
7/23/2015	0	The City Council	Refer to Dept. of Finance	
7/20/2015	0	City Council	Assigned	
7/20/2015	0	City Council	Introduced	

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

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INTRODUCTORY\*

CITY OF BALTIMORE  
COUNCIL BILL

Introduced by: Councilmember Kraft

A BILL ENTITLED

AN ORDINANCE concerning  
**Coal Tar Pavement Products - Prohibition on Use or Sale**  
FOR the purpose of prohibiting the use or sale in the City of coal tar pavement products; defining

certain terms; providing for the publication of alternative pavement products that do not contain coal tar; imposing certain penalties; and providing for a special effective date.

BY adding

Article 7 - Natural Resources

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

◆Subtitle 62. Coal Tar Pavement Products◆

Baltimore City Code

(Edition 2000)

BY repealing and reordaining, with amendments

Article - Building, Fire, and Related Codes

Section 2-103 (BC ◆ 3112.3)

Baltimore City Revised Code

(Edition 2000)

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

Baltimore City Code

Article 7. Natural Resources

Division VI. Miscellaneous

SUBTITLE 62 . COAL TAR PAVEMENT PRODUCTS

◆ 62-1. DEFINITIONS.

(A) IN GENERAL.

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

(B) BUILDING OFFICIAL.

◆BUILDING OFFICIAL◆ HAS THE MEANING STATED IN ◆ 103.1 OF THE BALTIMORE CITY BUILDING CODE.

(C) COAL TAR PAVEMENT PRODUCT.

◆COAL TAR PAVEMENT PRODUCT◆ MEANS A PRODUCT THAT:

(1) CONTAINS COAL TAR; AND

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

(D) INCLUDES; INCLUDING.

◆INCLUDES◆ OR ◆INCLUDING◆ MEANS BY WAY OF ILLUSTRATION AND NOT BY WAY OF LIMITATION.

(E) PERSON.

(1) IN GENERAL.

◆PERSON◆ MEANS:

(I) AN INDIVIDUAL;

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

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

(2) INCLUSIONS.

◆PERSON◆ INCLUDES, EXCEPT AS USED IN ◆ 62-8 {◆PENALTIES◆} OF THIS SUBTITLE, A GOVERNMENTAL ENTITY OR AN INSTRUMENTALITY OR UNIT OF A GOVERNMENTAL ENTITY.

◆ 62-2. {RESERVED}

◆ 62-3. PROHIBITED CONDUCT.

(A) USE OF PRODUCT.

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

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

(B) SALE OF PRODUCT.

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

◆ 62-4. {RESERVED}

◆ 62-5. ADMINISTRATION.

(A) BUILDING OFFICIAL TO ADMINISTER AND ENFORCE.

THE BUILDING OFFICIAL ADMINISTERS AND GENERALLY ENFORCES THIS SUBTITLE.

(B) RULES AND REGULATIONS.

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

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

(C) PUBLICATION OF ALTERNATIVES.

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

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

(2) DO NOT CONTAIN COAL TAR.

◆ 62-6. REMEDIATION AND INJUNCTIVE RELIEF.

(A) REMEDIATION.

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

(B) INJUNCTIVE RELIEF.

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

◆ 62-7. {RESERVED}

◆ 62-8. PENALTIES.

(A) IN GENERAL.

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

(B) EACH DAY A SEPARATE OFFENSE.

EACH DAY THAT A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

Baltimore City Revised Code

Article - Building, Fire, and Related Codes

Part II. International Building Code

◆ 2-103. City modifications.

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

Chapter 31. Special Construction

Section 3112 Parking Lots, Driveways, and Other Paved Surfaces

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

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

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

dlr15-1233(2)~intro/15Jul15  
art7/Coal;TarBan/aa:me

dlr15-1233(2)~intro/15Jul15  
??5??  
art7/Coal;TarBan/aa:me