



Legislation Details (With Text)

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**Type:** Ordinance      **Status:** Adopted

**File created:** 4/18/2016      **In control:** City Council

**On agenda:** 5/23/2016      **Final action:** 5/23/2016

**Title:** Title 17 Updates and Amendments - For the purpose of updating and amending Chapters 17.04 and 17.08 of the Annapolis City Code to prohibit the use and sale of coal tar pavement products; and matters generally relating to prohibiting the use and sale of coal tar pavement products.

**Sponsors:** Jared Littmann, Ian Pfeiffer, Michael J. Pantelides

**Indexes:** Economic Matters Committee, Environmental Matters Committee

**Code sections:**

**Attachments:** 1. O-20-16 Title 17 Coal Tar Ban Ordinance.pdf, 2. O-20-16 Staff Report.pdf, 3. O-20-16 Fiscal Impact.pdf, 4. O-20-16 Littmann Proposed Amendment.pdf, 5. O-20-16 SIGNED.pdf

Date	Ver.	Action By	Action	Result
5/23/2016	1	City Council	adopt on second reader	Pass
5/23/2016	1	City Council	amendment(s) approved	Pass
5/23/2016	1	City Council	amended	Pass
5/23/2016	1	City Council	adopt on third reader	Pass
5/19/2016	1	Environmental Matters Committee	recommend with amendments	Pass
5/16/2016	1	Economic Matters Committee	recommend favorably	Pass
4/25/2016	1	City Council	refer	
4/25/2016	1	City Council	refer	
4/25/2016	1	City Council		
4/25/2016	1	City Council	adopt on first reader	Pass

**Title 17 Updates and Amendments** - For the purpose of updating and amending Chapters 17.04 and 17.08 of the Annapolis City Code to prohibit the use and sale of coal tar pavement products; and matters generally relating to prohibiting the use and sale of coal tar pavement products.

CITY COUNCIL OF THE  
**City of Annapolis**

**Ordinance 20-16 Amended**

**Introduced by: Alderman Littmann and Alderman Pfeiffer**

**Referred to**

Economic Matters Committee  
Environmental Matters Committee

AN ORDINANCE concerning

### **Title 17 Updates and Amendments**

**FOR** the purpose of updating and amending Chapters 17.04 and 17.08 of the Annapolis City Code to permit an authorized agent of the City to prohibit the use and sale of coal tar pavement products; and matters generally relating to prohibiting the use and sale of coal tar pavement products.

**BY** repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2015 Edition  
17.04.655  
17.04.955  
17.08.180

**BY** ADDING THE FOLLOWING PORTION TO THE CODE OF THE CITY OF ANNAPOLIS, 2015 EDITION SECTION 17.04.155”

**SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:

#### **TITLE 17 - BUILDINGS AND CONSTRUCTION** **17.04.155 - COAL TAR PAVEMENT PRODUCT.**

COAL TAR PAVEMENT PRODUCT MEANS A MATERIAL THAT CONTAINS COAL TAR OR POLYCYCLIC AROMATIC HYDROCARBONS AND IS USED FOR AN ASPHALT OR CONCRETE SURFACE.”

#### **CHAPTER 17.04 - DEFINITIONS**

##### **17.04.655 - Pollutant.**

"Pollutant" means any liquid, gaseous, solid, or other substances, INCLUDING COAL TAR PAVEMENT PRODUCTS AS DEFINED IN SECTION ~~17.08.180~~17.04.155, which will cause water pollution of a water resource of the City.

##### **17.04.955 - Water pollution.**

"Water pollution" means any contamination, INCLUDING COAL TAR PAVEMENT PRODUCTS AS DEFINED IN SECTION ~~17.08.180~~17.04.155, or other alteration of the physical, chemical, or biological properties of any waters, including a change in temperature, taste, color, turbidity, or odor of the waters or the discharge or deposit of any organic matter, harmful organism, or liquid, gaseous, solid, radioactive, or other substance into any waters that will render the waters harmful, or detrimental to public health and safety, legitimate beneficial uses, wild animals, or aquatic life.

#### **CHAPTER 17.08 - GRADING, EROSION AND SEDIMENT CONTROL**

##### **17.08.180 - Prohibited discharges AND PROHIBITED USE OF COAL TAR PAVEMENT PRODUCTS.**

A. No debris, sediment, wastewater, landscaping/yard waste, refuse, or other pollutant shall be deposited in floodplains, water resources, public streets, highways, sidewalks, storm drains, or other public thoroughfares per this chapter of the City Code, Maryland Environment Title 4 as may be amended from time to time, COMAR 26.08.04, unless otherwise permitted by the City of Annapolis or the Maryland Department of the Environment. Such materials shall be stored properly to minimize any threat of discharge.

B. THIS SECTION APPLIES TO ALL PUBLIC AND PRIVATE USES OF COAL TAR PAVEMENT PRODUCTS, AS DEFINED BELOW THE FOLLOWING APPLIES TO ALL PUBLIC AND PRIVATE USES OF COAL TAR:

1. ~~“COAL TAR PAVEMENT PRODUCT” MEANS A MATERIAL THAT CONTAINS COAL TAR OR POLYCYCLIC AROMATIC HYDROCARBONS AND IS USED FOR AN ASPHALT OR CONCRETE SURFACE.~~
21. A PERSON MAY NOT SELL, OFFER FOR SALE, USE, OR PERMIT THE USE OF A COAL TAR PAVEMENT PRODUCT IN THE CITY. A PROPERTY OWNER WHO KNOWINGLY PERMITS THE APPLICATION OF A PRODUCT CONTAINING COAL TAR PAVEMENT PRODUCT ON THEIR PROPERTY SHALL BE IN VIOLATION OF THIS SECTION AND MAY BE CITED, IN ADDITION TO THE APPLICATOR OF THE PRODUCT, PURSUANT TO SUBSECTION (B)(4).
32. THE DIRECTOR SHALL PUBLISH, UPDATE AS NEEDED, AND MAINTAIN ON ITS WEBSITE, A LIST OF ALTERNATIVE PRODUCTS FOR USE ON ASPHALT AND CONCRETE THAT DO NOT CONTAIN A COAL TAR PAVEMENT PRODUCT.
43. VIOLATORS OF THIS SECTION SHALL BE REQUIRED TO REMEDIATE THE SURFACE OF THE COAL TAR PAVEMENT PRODUCT. A VIOLATION OF THIS SECTION SHALL BE A MUNICIPAL INFRACTION AND SUBJECT TO A FINE AS ESTABLISHED BY RESOLUTION OF THE CITY COUNCIL. EACH DAY THAT A VIOLATION OCCURS SHALL BE CONSIDERED A SEPARATE OFFENSE. THE PENALTIES SET FORTH IN THIS SECTION ARE IN ADDITION TO ANY OTHER REMEDIES AND PENALTIES PROVIDED UNDER FEDERAL, STATE, COUNTY, OR LOCAL LAW.

**SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** that this ordinance shall take effect from the date of its passage.

#### EXPLANATION

CAPITAL LETTERS indicate matter added to existing law.

~~Strikethrough~~ indicates matter stricken from existing law.

Underlining indicates amendments