

CITY OF GRAND LEDGE  
NOTICE OF PUBLIC HEARING

The Grand Ledge City Council will hold a public hearing during its regular meeting at 7:30 p.m. on 10 January 2022, to consider and receive public input on a proposed ordinance amending the Grand Ledge City Code to ban polycyclic aromatic hydrocarbons. The proposed ordinance is available on the City's website at [www.cityofgrandledge.com](http://www.cityofgrandledge.com).

The meeting will be held in a hybrid in-person/online meeting, in the Gymnasium, City Hall, 310 Greenwood St., Grand Ledge MI 48837, and in an online teleconference, in compliance with the Open Meetings Act, as amended. The online teleconference can be accessed at <https://www.zoom.us> with the Meeting ID: 834 7000 1735, or by calling +1 646 876 9923 or +1 301 715 8592 or +1 312 626 6799 or +1 408 638 0968 or +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 with Meeting ID: 834 7000 1735.

The City Council invites anyone interested to attend and offer comments at the public hearing. Written comments can be mailed or delivered to Elected or Appointed Officials at 310 Greenwood St., Grand Ledge, MI 48837, placed in the drop box in front of City Hall, or emailed to [cityhall@cityofgrandledge.com](mailto:cityhall@cityofgrandledge.com). All written comments will be considered if received by 5:00 p.m. the day of the hearing. Please call (517) 627-2149 or email [cityhall@cityofgrandledge.com](mailto:cityhall@cityofgrandledge.com) for further information or to request accommodations for disabilities.

Gregory Newman, City Clerk

City of Grand Ledge Ordinance #\_\_\_\_\_

An Ordinance Amending the Grand Ledge City Code to Ban Polycyclic Aromatic Hydrocarbons.

The City of Grand Ledge Ordains:

**Section 1. Change.** The Grand Ledge City Code, is amended, as follows:

ARTICLE I – PAVEMENT SEALANT

Sec. 1.1. – Findings.

- (1) The City finds that lakes, rivers, streams, and other bodies of water are natural assets that enhance the environmental, recreational, cultural, and economic resources and contribute to the general health and welfare of the community.
- (2) The City finds that the use of sealants on driveways and parking lots is a common practice. Scientific studies on the use of driveway sealants has demonstrated a relationship between the use of coal-tar-based sealants and certain health and environmental concerns, including increased cancer risks to humans, acute and long-term toxicity to wildlife, and impaired water quality in streams.

Sec. 1.2. – Purpose.

- (1) The purpose of this article is to prohibit the use and sale of pavement sealant products containing >0.1% polycyclic aromatic hydrocarbons (PAHs) by weight, including coal-tar-based sealants, in the City to protect, restore, and preserve the quality of its waters and protect the health of its residents.

Sec. 1.3. – Definition of terms.

The following words, terms, and phrases, when used in this article all have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

*Applicator* means any person who applies pavement sealant product in the City, including, but not limited to, a homeowner, occupant of a rental property, property manager, and commercial applicator, or anyone who permits application of pavement sealant product to be applied upon property that is under the person's ownership or control.

*Asphalt-based sealant* means a surface-applied, petroleum-based pavement sealing product that typically contains less than 0.1% PAHs, by weight.

*Coal tar* means a byproduct of the coking, liquefaction, or gasification of coal.

*Coal tar sealant* means a surface-applied pavement sealing product containing coal tar, coal tar pitch, coal tar pitch volatiles, RT-12, refined tar or any variation of those substances, including those assigned the Chemical Abstracts Service (CAS) Number 65996-92-1, 65996-93-2, 65996-89-6, or 8007-45-2, or related substances containing more than 0.1% PAHs, by weight.

*Commercial applicator* means any applicator or other person who applies pavement sealant product in the City in exchange for money, goods, services, or other valuable consideration.

*Commercial seller* means any person who sells or displays for sale any pavement sealant product in the City. High-PAH-content sealant means a surface-applied pavement sealing product containing steam-cracked petroleum residues, steam-cracked asphalt, pyrolysis fuel oil, heavy fuel oil, ethylene tar, or any variation of those substances assigned the CAS Number 64742-90-1 or 69013-21-4, or related substances containing more than 0.1% PAHs, by weight.

*Pavement sealant* means any surface-applied sealing product used to maintain pavement surfaces, including, but not limited to, asphalt-based sealant products and coal tar sealant products.

*Person* means a natural person, agent, association, incorporated or unincorporated organization, company, partnership, corporation, limited liability company, any joint venture for a common purpose, or any other legal or commercial entity.

*Polycyclic aromatic hydrocarbons (PAHs)* means a group of organic chemicals formed during the incomplete burning of coal,

oil, gas, or other organic substances. It is present in coal tar and known to be harmful to humans, fish, and other aquatic life.

Sec. 4. – Authority.

The City Manager or their designee will be responsible for the supervision and enforcement of this article and is authorized to issue appearance tickets or civil infractions to enforce this article.

Sec. 5. – Coal tar sealant prohibited; other prohibited activity.

- (1) Coal tar, coal tar sealant product, or other high-PAH-content pavement sealant product must not be used or applied by any person on any asphalt or non-asphalt pavement, or any other real property within the City.
- (2) A person shall not contract for, authorize, or allow coal tar sealant or other high-PAH-content sealant product to be applied on any pavement or other surface within the City that is under the person’s ownership or control.
- (3) A commercial applicator, residential or commercial developer, or other person shall not direct any employee, independent contractor, volunteer, or any other person to apply any coal tar sealant or other high-PAH-content sealant product to any driveway, parking lot, or other real property within the City.

Sec. 6. – Asphalt-based sealant products.

The provisions of this article will only apply to coal tar, coal tar sealant products, or other high-PAH-content sealant products and will not affect the use of asphalt-based sealant products that contain less than 0.1% PAHs, by weight.

Sec. 7. – Penalty.

A person who violates any provision of this article shall be responsible for a municipal civil infraction, upon a finding of responsibility thereof, shall be punishable by a fine not exceeding \$500, in addition to any court fines or costs. Each day during which a violation continues shall be deemed a separate violation. The imposition of any civil fine shall not prohibit the City from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.

**Section 2. Severability.** The provisions of this ordinance are severable, and if any section, sub-section, paragraph, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of all remaining sections, sub-sections, paragraphs, sentences, clauses, phrases or portions of this ordinance.

**Section 3. Section Headings.** The section headings used in this ordinance are for convenience only and are not a part of this ordinance.

**Section 4. Effective Date.** This ordinance shall take effect seven days after it has been adopted by the Grand Ledge City Council.

Introduced by the Grand Ledge City Council this 13<sup>th</sup> day of December, 2021.

**Motion by** Jancek

**Second by** Lantz

**Ayes:** Jancek, Lantz, MacDowell, Mulder, Sowle, Willems

**Nays:** Gillespie

**Absent:** None

Adopted by the Grand Ledge City Council this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**Motion by**

**Second by**

Ayes:

Nays:

Absent:

Approved:

\_\_\_\_\_  
Thomas J. Sowle, Jr., Mayor

I, Gregory Newman, Grand Ledge City Clerk, certify this is Ordinance #\_\_\_\_\_ adopted by the Grand Ledge City Council at a meeting held the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, a meeting held according to the Open Meetings Act, Public Act No. 267 of 1976, as amended. I further certify Ordinance #\_\_\_\_\_ was published in the Grand Ledge Independent, a newspaper of general circulation in the City of Grand Ledge, the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, subsequent to its adoption.

\_\_\_\_\_  
Gregory L. Newman, City Clerk

Introduced: 13 December 2021

Public Hearing: 10 January 2022

Adopted:

Published:

Effective: