

CHAPTER 321

COAL TAR SEALANT PRODUCTS ORDINANCE

Town of Yarmouth, Maine
ADOPTED: 01/18/2022

COAL TAR SEALANT PRODUCTS ORDINANCE

COAL TAR SEALANT PRODUCTS

I. **Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. **"Coal tar"** means a viscous substance obtained by the destructive distillation of coal and containing levels of polycyclic aromatic hydrocarbons in excess of 10,000 milligrams per kilogram. "Coal tar" includes, but is not limited to, refined coal tar, high temperature coal tar and coal tar pitch.

B. **"Coal tar sealant product"** means a surface-applied sealant product that contains coal tar or coal tar pitch volatiles.

C. **"Polycyclic aromatic hydrocarbons"** means a group of compounds that are by-products of incomplete combustion, that include several carcinogens and that are designated as hazardous substances under the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 United States Code, Section 9602(a).

II. **Sale of coal tar sealant products prohibited.** Beginning February 22, 2022, a person may not sell at wholesale or retail a coal tar sealant product in the Town of Yarmouth that is labeled as containing coal tar and that is designed to be applied on a driveway or parking area.

III. **Application of coal tar sealant products prohibited.** Beginning February 22, 2022 a person may not apply on a driveway or parking area in the Town of Yarmouth a coal tar sealant product that is labeled as containing coal tar and that is designed to be applied on a driveway or parking area.

IV. **Exemptions.** Any person granted an exemption by the Maine Commissioner of the Department of Environmental Protection from the prohibitions in Title 38 MRS Section 419-E pursuant to subsection 4 of said Section 419-E shall be exempt from these prohibitions.

V. **Violations and Penalty.** The Code Enforcement Officer shall enforce the provisions of this Ordinance. In the event of a violation of this Ordinance, the Town may seek a penalty in the minimum amount of \$1,000, or \$0.25/square foot of coal tar sealant applied in violation of this ordinance, whichever is greater. In the event the Town is the prevailing party in any action under this chapter, it shall be entitled to

an award of its reasonable attorney's fees, court costs and the costs of any expert witness fees incurred by the Town. Action may be taken against the owner or operator of the property and any person, firm, or corporation which applies the coal tar sealant on the property, and against the retail or wholesale seller, in violation of this Ordinance. All civil penalties shall inure to the benefit of the Town of Yarmouth.