

ORDINANCE NO. 20051117-0702019XXXXXX

AN ORDINANCE AMENDING THE CITY CODE TO ADD A NEW REVERSE CHAPTER 6-6 RELATING TO COAL TAR PAVEMENT AND HIGH PAH PAVEMENT PRODUCTS, CREATING OFFENSES, AND PROVIDING PENALTIES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

~~PART~~ **PART 1.** Title 6 of the City Code is amended to ~~add a new~~ ~~add a new~~ ~~revise~~ Chapter 6-6 to read:

CHAPTER 6-6. COAL TAR COAL TAR AND -HIGH PAH PAVEMENT PRODUCTS.

§ 6-6-1 DEFINITIONS.

In this chapter:

- (1) ~~(1)~~ COAL TAR PAVEMENT PRODUCT means a material that contains coal tar, coal tar pitch volatiles, RT-12, refined tar, or a variation of those substances assigned the chemical abstracts service ("CAS") numbers 65996-28 92-1, 65996-93-2, 65996-89-6, or 8007-45-2 and is for use on an asphalt or concrete surface, including a driveway, playground or parking area.
- (2) ~~(2)~~ HIGH PAH PRODUCT means a material that contains more than 0.1% (1000 ppm) polycyclic aromatic hydrocarbons (PAH), by weight; and may contain steam-cracked petroleum residues, heavy pyrolysis oil, steam-cracked asphalt, pyrolysis fuel oil, heavy fuel oil, ethylene tar, ethylene cracker residue, or a variation of those substances assigned the CAS numbers 64742-90-1 or 69013-21-4; and is for use on an asphalt or concrete surface, including a driveway, playground or parking area.
- (3) ~~(2)~~ DIRECTOR means the director of the Watershed Protection and Development Review Department and Development Review Department.

§ 6-6-2 USE OF COAL TAR AND HIGH PAH PAVEMENT PRODUCTS PROHIBITED.

(A)

~~(A)~~ Except as provided in Section 6-6-4 (*Exemptions*), a person may not use a coal tar or high PAH product in a pavement product within the City's planning jurisdiction.

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(B) A person who owns property on which a coal tar or high PAH pavement product is used is presumed to have used a coal tar or high PAH pavement product in violation of this section.

§ 6-6-3 SALE OF COAL TAR AND HIGH PAH PAVEMENT PRODUCTS RESTRICTED.

Except as provided in Section 6-6-4 (*Exemptions*), a person may not sell a coal tar or high PAH pavement product within the City's planning jurisdiction, unless:

- (+) the sale is to a person who intends to use the coal tar or high PAH pavement product outside the City's _____ planning jurisdiction; and

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(2) the seller requires the purchaser to complete and sign a form provided by the director that includes:

- (a) the name, address, and phone number of the purchaser;
 - (b) the date of the purchase;
 - (c) the quantity of coal tar or high PAH pavement product purchased;
 - (d) a statement that the coal tar or high PAH pavement product will not be used within the City's planning jurisdiction; and
 - (e) an affirmation by the purchaser that the information on the form is correct;
- and

(3) (2)—the seller retains the completed form for a period of not less than three years and allows to inspect or copy the form upon request.

§6-6-4 EXEMPTIONS.

The director may exempt a person from a requirement of this chapter if the director determines that:

- (1) the person is researching the effect of a coal tar or high PAH pavement product on the environment or is developing an alternative technology, and the use of a coal tar or high PAH pavement product is required for the research or development; or
- (2) a viable alternative to a coal tar pavement or high PAH product is not available for the intended use.

§ 6-6-5 OFFENSE; PENALTY.

(A) A person who violates this chapter commits a Class C misdemeanor punishable by:

- (1) a fine not to exceed \$500; or
- (2) if the person acts with criminal negligence, a fine not to exceed \$2,000.

(B) Each day that a violation occurs or continues is a separate offense.

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~~PART 2. This ordinance takes effect on November 28, 2005.~~

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