

Chapter 71 Pavement Sealant

On June 20, 2016, the Ann Arbor City Council approved a new ordinance - Chapter 71 Pavement Sealant of the City of Ann Arbor Code requires registration of commercial applicators of coal tar sealant products or related products. The provisions of this Chapter shall only apply to coal tar or other high PAH content sealant products in the City and shall not affect the use of asphalt-based sealer products within the City as long as those products contain less than 0.1% PAHs, by weight. Key components of the requirements are listed below.

The Ann Arbor City Council finds that the use of sealers on asphalt driveways is a common practice, however, scientific studies on the use of driveway sealers have demonstrated a relationship between the use of coal tar-based sealers and certain health and environmental concerns, including increased cancer risk to humans and impaired water quality in streams. The purpose of this ordinance is to prohibit the use and sale of pavement sealant products containing >0.1% Polycyclic Aromatic Hydrocarbons (PAHs) by weight, including coal tar-based sealer in the City of Ann Arbor in order to protect, restore, and preserve the quality of its waters and protect the health of its residents.

It is the further purpose and intent of this chapter to regulate the use and application of coal tar sealant products, to require the registration of commercial applicators of coal tar sealant products within the city, and to require the distribution of informational literature to consumers about the use and effect of coal tar sealant products.

Key components of the requirements are the following:

- All commercial applicators shall register with the city prior to applying pavement sealant in the city in any calendar year. Registration under this chapter shall be valid until expiration. Registration shall begin on January 1 and shall expire on December 31 of each calendar year.
- No person shall apply a coal tar or other high PAH content pavement sealant product on surfaces within the City of Ann Arbor.
- No person shall sell a coal tar or other high PAH content sealant product that is formulated or marketed for application on surfaces within the City of Ann Arbor.
- No person shall allow a coal tar or other high PAH content sealant product to be applied upon property that is under that person's ownership or control.
- No person shall contract with any commercial applicator, residential or commercial developer, or any other person for the application of any coal tar or other high PAH content sealant product to any driveway, parking lot, or other surface within the City.
- No commercial applicator, residential or commercial developer, or other similar individual or organization shall direct any employee, independent contractor, volunteer, or other person to apply any coal tar or other high PAH content sealant product to any driveway, parking lot, or other surface within the City.
- A violation of any provision of this chapter shall be a civil infraction punishable by a civil fine of not more than \$10,000.00.

Commercial Applicator of Pavement Sealants Registration Form - **\$22.00 annually (expires Dec. 31)**

Commercial applicators shall submit a complete registration application to the City Clerk on forms furnished by the City Clerk, along with the registration fee according to the schedule established by resolution of City Council (currently \$22.00). The fee shall be calculated to include the cost of registration application review and periodic field inspection. A violation of any provision of this chapter shall be a civil infraction punishable by a civil fine of not more than \$10,000.

Legal name of the commercial applicator	
Any other names used	
Address	
Telephone number	
Email	
Contact person for the applicant	
The product names, type of use, and PAH content of pavement sealant products used. Please include CAS numbers and attach MSDS sheets.	

The undersigned commercial or applicator will comply with the requirements of Pavement Sealant Ordinance of the City of Ann Arbor throughout the registration period.

Signature of owner or duly authorized representative of a commercial applicator

Date

Notary

Date

Notary Signature

Date

Signature of City of Ann Arbor Pavement Sealer Program Administrator

Date