

**ORDINANCE NO. 2018-030**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES  
OF THE VILLAGE OF VERNON HILLS, CHAPTER 5,  
ARTICLE IV, PROHIBITING THE USE OF COAL TAR**

**WHEREAS**, the President and Board of Trustees of the Village of Vernon Hills is authorized to prescribe minimum standards for the purpose of promoting the public health, safety, convenience and general welfare for the people of Vernon Hills; and

**WHEREAS**, numerous natural assets exist within the Village, including ponds, streams and wet lands which enhance the Village's environmental, recreational and cultural resources, and contribute to the health and welfare of the community; and

**WHEREAS**, recent research into the environmental impact of coal tar derived pavement sealants with the objective of improving storm water management and to address water pollution, found that: (i) driveway sealants are wide spread pollutants of water and major health threats; (ii) homeowners and businesses can easily use similar sealant products without coal tar; and (iii) many municipalities and states have banned the use of coal tar; and

**WHEREAS**, the President and Board of Trustees having reviewed this matter at its Committee of the Whole meeting on September 7, 2017; determined that prohibiting the use of coal tar sealants on public and private property within the Village and to prohibit the sale of coal tar sealants by businesses located within the Village is necessary to promote the health and welfare of the community.

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES  
OF THE VILLAGE OF VERNON HILLS, COUNTY OF LAKE AND STATE OF ILLINOIS:**

**SECTION I.** That Chapter 5, Article IV, Section 5-80, "Pavement Sealants" of the Vernon Hills Code of Ordinances is hereby created and approved to read as follows:

**Section 5-80 Pavement Sealants**

**(a) Introduction/Purpose.**

It is the intent and purpose of this Section to provide regulations that protect the natural assets within the Village, including ponds, streams and wet lands, and which enhance the Village's environmental, recreational and cultural resources, and contribute to the health and welfare of the community.

**(b) Applicability**

This Ordinance shall apply to the use of coal tar sealants on public and private property within the Village, and to the sale of coal tar sealants by businesses located within the Village.

**(c) Definitions.**

1. Coal Tar Products: means pavement sealant or sealcoat products that contain coal tar, coal tar pitch, coal tar derivatives, coal tar pitch volatiles, coal tar mixtures or any variation assigned the Chemical Abstracts Service (CAS) numbers 65996-93-2, 65996-89-6, or 8007-45-2.
2. Pavement Sealing: means the application of sealant or sealcoat products to maintain any surface, including but not limited to: a street, driveway, driveway approach, drive aisle, on

or off-street parking area, sidewalk, bike trail, patio, sports facility, loading area or facility, roadway or similar paved surface.

3. Person: means any individual, partnership, firm or corporation.

**(d) Sale of Coal Tar Products Prohibited**

No person shall sell, offer or display for sale within the Village, at wholesale or at retail, Coal Tar Products of any kind.

**(e) Use of Coal Tar Products Prohibited**

On public or private property, no Coal Tar Products of any kind shall be applied or used on the surface of any street, driveway, driveway approach, drive aisle, on or off-street parking area, sidewalk, bike trail, patio, sports facility, loading area or facility, roadway or similar paved surface within the Village.

**(f) Penalty**

Any person found violating any terms of this Chapter shall be found guilty of a misdemeanor and shall, upon conviction thereof, be fined in an amount not less than that described in the Village Code of Ordinances, Chapter twenty five (25), Comprehensive Fees and Penalties.

**SECTION II. SEVERABILITY.** In the event that any section, clause, provision, or part of this ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect. If any part of this ordinance is found to be invalid in any one or more of its several applications, all valid applications that are severable from the invalid applications shall remain in effect.

**SECTION III. REPEAL AND SAVINGS CLAUSE.** All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions or causes of action which shall have accrued to the Village of Vernon Hills prior to the effective date of this ordinance.

**SECTION IV. EFFECTIVE DATE.** This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

**SECTION V. ORDINANCE NUMBER.** This ordinance shall be known as Ordinance Number 2018-030

Adopted by roll call vote as follows:

AYES: 4 – Marquardt, Oppenheim, Takaoka, Koch

NAYS: 0 - None

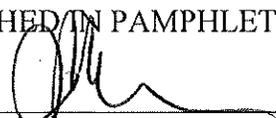
ABSENT AND NOT VOTING: 2 – Hebda, Schultz

  
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Roger L. Byrne, Village President

PASSED: 2/20/2018

APPROVED: 2/20/2018

PUBLISHED IN PAMPHLET FORM: 2/21/2018

  
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John Kalmar, Village Clerk

