

**ORDINANCE NO. 2025-14
VILLAGE OF CALEDONIA**

**AN ORDINANCE TO CREATE TITLE 5, CHAPTER, 3 SECTION 3:
REGULATION OF THE SALE, APPLICATION, AND USE OF COAL TAR AND HIGH-
PAH SEALANT PRODUCTS**

The Village Board of the Village of Caledonia, Racine County, do ordain as follows:

1. That Section 5-3-3 of the code of ordinances for the Village of Caledonia “Regulation of the Sale, Application, and Use of Coal Tar and High-PAH Sealant Products” be, and hereby is, created to read as follows:

“SEC. 5-3-3 REGULATION OF THE SALE, APPLICATION, AND USE OF COAL TAR AND HIGH-PAH SEALANT PRODUCTS.

(a) **Definitions.** The following words, terms and phrases, when used in this division, shall have the meanings given in this section, except where the context clearly indicates a different meaning.

- (1) ***Asphalt-based sealer*** means a petroleum-based pavement sealant product that is commonly used on driveways, parking lots, and other surfaces and does contain polycyclic aromatic hydrocarbons.
- (2) ***Coal tar*** is a byproduct of the process used to refine coal. Coal tar contains high levels of polycyclic aromatic hydrocarbons.
- (3) ***Coal tar sealant product*** means a material that contains coal-tar and is for use on asphalt or concrete surfaces including a driveway or parking lot. These surface applied sealing products contain coal tar, coal tar pitch, coal tar pitch volatiles, RT-12, refined tar, or any variation assigned the chemical abstracts service numbers 65996-92-1, 65996-93-2, 65996-89-6, or 8007-45-2.
- (4) ***High-PAH sealant product*** means any pavement sealant product that contains greater than 0.1% polycyclic aromatic hydrocarbons by weight, including, but not limited to, coal tar sealant products and sealant products containing steam-cracked petroleum residues, steam-cracked asphalt, pyrolysis fuel oil, heavy fuel oil, ethylene tar, or any variation of those substances assigned the chemical abstracts service number 64742-90-1, 69013-21-4 or related substances.
- (5) ***Pavement sealant product, or sealcoat,*** is any substance that is typically applied on paved surfaces to protect the surfaces. This may include but is not limited to sealant products that are coal tar or asphalt based.
- (6) ***Polycyclic aromatic hydrocarbons or PAHs*** are a group of organic chemicals that are formed during the incomplete combustion of coal, oil, gas, or other organic substances, are present at high levels in coal tar, and are known to be harmful to humans, fish, and other aquatic life.

(b) **Regulations.**

- (1) Except as provided in (c), it shall be unlawful:
 - a. For any person to use or apply any coal tar sealant product or high-PAH sealant product within the Village.

- b. For any person to contract with any commercial applicator, residential or commercial developer, or any other person for the application of any coal tar sealant product or high-PAH sealant product to any driveway, parking lot, or other surface within the Village.
 - c. For any commercial applicator, residential or commercial developer, or other similar individual or organization to direct any employee, independent contractor, volunteer, or other person to apply any coal tar sealant product or high-PAH sealant product to any driveway, parking lot, or other surface within the Village.
 - d. For any person to sell, offer to sell, or display for sale any coal tar sealant product or high-PAH sealant product within the Village.
 - (2) *Notice required to be posted.* Any person who sells pavement sealant products within the Village shall prominently display, in the area where such pavement sealant products are sold, a notice that contains the following language: "The application of coal tar sealant products or other high PAH sealant products on driveways, parking lots, and all other paved surfaces in in the Village of Caledonia is prohibited by Title 5-3-3(b), of the Municipal Code of the Village of Caledonia, Wisconsin. Polycyclic Aromatic Hydrocarbons (PAHs) are a group of organic chemicals that are known to cause cancer and are toxic to aquatic life. Coal tar and other high-PAH sealant products are a major source of PAHs that can travel into homes, buildings, and soils, or be carried by storm water and other run off into the water resources of the Village of Caledonia."
 - (3) *Applicability.* The provisions of this ordinance shall only apply to coal tar sealant product or high-PAH sealant product within the Village and shall not affect the use of asphalt-based sealer products within the Village.
- (c) **Exemptions.**
- (1) The Village Board may exempt a person from the requirements of Title 5-3-3(b) if a request for exemption is made to the Village Board in writing, including an explanation of why the exemption is needed for research or the development of an alternative technology, and if the Village Board determines that one or both of the following apply:
 - a. The person is conducting research concerning the effects of a coal tar sealant product or high-PAH sealant product on the environment.
 - b. The person is developing an alternative technology and the use of a coal tar sealant product or high-PAH sealant product is required for research or development.
- (d) **Penalties.**
- (1) Any person who violates 5-3-3(b) by applying a coal tar sealant product or high PAH sealant product on any property located in the Village shall be subjected to a fine not to exceed \$500.

- (2) Any commercial sealant product applicator, residential or commercial developer, industrial or commercial owner, or any other person, other than a person identified under subsection (d)(1) above who violates Section 5-3-3(b) shall be subject to a fine of not less than \$1,000 nor more than \$10,000. Each incidence of a violation shall constitute a separate offense.
- (3) Upon default of payment, the violator shall be subject to imprisonment for not more than 90 days for any one judgment and the violator shall receive credit against the amount owed at the rate of at least \$50 for each day of imprisonment, including imprisonment following an arrest but prior to the court making a finding under Wis. Stat. § 800.095(1)(b)2.
- (4) Each day that a violation occurs or continues is a separate offense and subject to an additional fine.”

2. That this ordinance shall take effect upon adoption and publication as required by law.

Adopted by the Village Board of the Village of Caledonia, Racine County, Wisconsin, this 11 day of November, 2025.

VILLAGE OF CALEDONIA

By: Thomas B Weatherston
Thomas Weatherston
Village President

Attest: Jennifer Bass
Jennifer Bass
Village Clerk