

BOROUGH OF BELLEVUE
COUNTY OF ALLEGHENY
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 21 - 06

**AN ORDINANCE OF THE BOROUGH OF BELLEVUE, A HOME RULE
MUNICIPALITY IN THE COUNTY OF ALLEGHENY, IN THE COMMONWEALTH
OF PENNSYLVANIA AMENDING CHAPTER 203 "PROPERTY MAINTENANCE"
OF THE BOROUGH OF BELLEVUE CODE OF ORDINANCES TO PROHIBIT THE
USE OF POLYCYCLIC AROMATIC HYDRWOCARBONS AND CERTAIN OTHER
HAZARDOUS SUBSTANCES.**

WHEREAS, the U.S. Environmental Protection Agency ("EPA"), the US. Agency for Toxic Substances and Disease Registry ("ATSDR"), and other agencies, foreign and domestic, have determined that exposure to certain Polycyclic Aromatic Hydrocarbons ("PAHs") pose risks to human health, including cancer, cardiovascular disease, and poor fetal development, and to the health and well-being of various aquatic and other animal life; and

WHEREAS, products sold to property owners for the purpose of sealing driveways, parking lots, and other paved areas are often based on coal tar derivatives and used motor oil and often contain high levels of PAHs; and

WHEREAS, environmental regulatory agencies at the federal and Commonwealth levels are not controlling the use of PAHs for these purposes; and

WHEREAS, Council believes it to be in the best interest of the Borough and its citizens to proscribe the use in the Borough of certain PAHs; to require property owners to obtain from their contractors and to provide to the Borough in advance of application to such areas material safety data sheets on pavement sealants they propose to install or have installed; and to provide remedies in the event of such use;

NOW THEREFORE BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Bellevue, in the County of Allegheny and Commonwealth of Pennsylvania, and it is hereby ordained and enacted by the authority of the same, in accordance with the provisions of the Act of Assembly of the Commonwealth of Pennsylvania, as follows

Section 1: There shall be added to the definitions set forth in Chapter 203 "Property Maintenance" of the Borough of Bellevue Code of Ordinances the following: "Polycyclic Aromatic Hydrocarbons or PAHs shall mean chemical compounds such as benzanthracene, benzoflouranthene, benzoperylene, benzopyrene, crysene and other similar compounds which are believed by competent authorities to pose risks to human health and other animal life."

Section 2: It shall be a violation of this Chapter to use, apply or cause others to apply PAHs to pavement and other surfaces in the Borough. It shall likewise be a violation to fail or refuse to remove or encapsulate PAHs which are being leached, emitted or otherwise released at a harmful level from a surface on land in the Borough owned, leased or otherwise controlled by an individual or entity. In the event of difference of opinion as to whether the level of release is harmful, the opinion of a competent testing agency, engaged at the expense of the property owner, lessee or other controlling person or entity, shall be conclusive. Removal shall include the obligation to control and remove dust or other residue of PAHs from such land and other downstream properties including during removal.

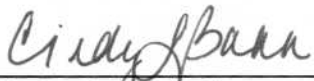
Section 3: The Code Officer, Police and management level personnel of the Borough shall have the right to enter upon land and to cause competent testing contractors to test surfaces in the Borough which they reasonably suspect may have PAHs on or under them.

Section 4: Should any part of this Ordinance be declared void or illegal, it is the intention of the Borough Council that the remainder of this Ordinance be in full force and effect, as if the Ordinance had been enacted without said invalid portion.

Section 5: This Ordinance shall take effect immediately.

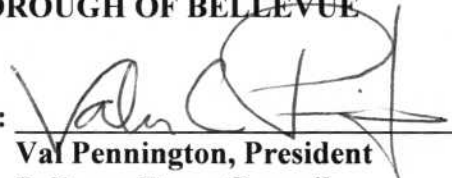
ORDAINED and **ENACTED** by the Borough Council of the Borough of Bellevue in lawful session duly assembled this 24th day of August, 2021.

ATTEST:



**Cindy L. Bahn, Secretary,
Director of Administrative Services**

BOROUGH OF BELLEVUE

By: 

**Val Pennington, President
Bellevue Town Council**

Examined and approved this 24th day of August, 2021



Hon. Emily Marburger, Mayor

