

ORDINANCE NO. 35-25

**AN ORDINANCE AUTHORIZING THE CREATION
OF A LAND DISTURBANCE FEE FUND NO. 280
AND DECLARING AN EMERGENCY**

WHEREAS, as a direct result of the increased growth in the City's residential, commercial and industrial development, hundreds of acres of trees have been cut down, damaged and destroyed to facilitate this new construction; and

WHEREAS, the City's Tree Commission, the Administration and citizens of Avon have expressed their concerns over the removal of trees and the impact it will have on the overall tree canopy and quality of life in the community; and

WHEREAS, recognizing that development is as inevitable as it is necessary, it was determined that the best way to address this concern was to enact for the clearing of land to fund the planting and maintenance of trees on City owned property, including but not limited to tree lawns, city buildings, and public parks; and

WHEREAS, Council recently approved an ordinance to amend Section 210.01(f) of the Codified Ordinances of the City of Avon to adopt a Land Disturbance permit fee; and

WHEREAS, pursuant to Ohio Revised Code Sections 5705.09 and 5705.12, the Finance Director has requested Council pass an Ordinance authorizing the creation of a special revenue fund for the recognition of all revenues associated with the Land Disturbance Fee; and

WHEREAS, the revenues generated in this fund will be used exclusively toward the planting and maintenance of trees on City owned property, including but not limited to tree lawns, city buildings, and public parks.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, LORAIN COUNTY, OHIO:

Section 1 – That Council hereby authorizes the creation of the Land Disturbance Fee Fund No. 280.

Section 2 - That the revenues generated in this fund shall be used exclusively toward the planting, maintenance and general care for trees on City owned property, including but not limited to, tree lawns, city buildings, and public parks.

Section 3 – That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4 – That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity and desirability to authorize the creation of the Land Disturbance Fee Fund No. 280; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

BY: _____
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director
City of Avon, Ohio

ATTEST:

Barbara Brooks, Clerk of Council

POSTED: _____
Electronically and at City Hall as
Provided by Council

Prepared by:
John A. Gasior, Esq.
Law Director