

ORDINANCE NO. 93-25

**AN ORDINANCE AMENDING CHAPTER 1050 OF THE
CODIFIED ORDINANCES OF THE CITY OF AVON REGARDING
STORMWATER MANAGEMENT REQUIREMENTS
AND DECLARING AN EMERGENCY**

WHEREAS, flooding is a significant threat to public and private property and to the public health, safety and welfare; and

WHEREAS, stormwater management lessens flood damage by reducing and holding runoff and releasing it slowly; and,

WHEREAS, streambank erosion is a significant threat to public and private property and the public health, safety and welfare; stormwater management slows runoff and reduces its erosive force; and,

WHEREAS, insufficient control of stormwater can result in significant damage to receiving water resources, impairing the capacity of these areas to sustain aquatic systems and their associated aquatic life use designations; and,

WHEREAS, land development projects and associated increases in impervious cover alter the hydrologic response of local watersheds and increases stormwater runoff rates and volumes, flooding, stream channel erosion, and sediment transport and deposition; and,

WHEREAS, stormwater runoff contributes to increased quantities of pollutants to water resources; and,

WHEREAS, stormwater runoff, stream channel erosion, and nonpoint source pollution can be controlled and minimized through the regulation of runoff from land development projects; and,

WHEREAS, Ohio EPA new Construction General Permit, OHC000006 and OHQ000004 permit for Municipal Separate Storm Sewer Systems (MS4s) requires minimum updates to municipal stormwater management plans to satisfy compliance with the Clean Water Act.

WHEREAS, the United States Environmental Protection Agency has approved a Total Maximum Daily Load for phosphorus, nitrate, and total suspended solids in the Black River Watersheds that includes the French Creek sub-watershed; and

WHEREAS, there are watershed-wide efforts to reduce flooding, erosion, and water quality problems in Black River Watersheds and to protect and enhance the water resources in these watersheds; and,

WHEREAS, the City of Avon finds that the lands and waters within its borders are finite natural resources and that their quality is of primary importance in promoting and maintaining public health and safety within its borders; and,

WHEREAS, the City of Avon desires to establish standards, principles, and procedures for the regulation of soil disturbing activities that may increase flooding and erosion and may cause adverse impacts to water resources, resulting from stormwater runoff; and,

WHEREAS, the use of green infrastructure and runoff reduction practices improves water quality in our streams and Lake Erie and reduces the magnitude and frequency of flooding and combined sewer overflow events through the infiltration, evapotranspiration, treatment and reuse of stormwater runoff; and

WHEREAS, 40 C.F.R. Parts 9, 122, 123, and 124, and Ohio Administrative Code 3745-39 require designated communities, including the City of Avon to develop a Stormwater Management Program that, among other components, requires the City of Avon to implement standards, principles, and procedures to regulate the quality of stormwater runoff during and after soil disturbing activities; and,

WHEREAS, Council, under authority granted to it under Article XVIII, Section 3 of the Ohio Constitution, has reviewed the proposed amendments to Chapter 1050 and finds that adoption of same to be in the best interests of the health, safety, and general welfare of the community.

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

Section 1 - That Chapter 1050, as amended, is hereby adopted as set forth in the attached [Exhibit A](#), which is incorporated herein by this reference. The City's codifier is hereby instructed to remove the existing Chapter 1050 and replace it with the version set forth herein.

Section 2 - 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 office committees that resulted in such formal actions were in meetings open to the public, and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3 - 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 to adopt amendments to the comprehensive stormwater management program set forth in Chapter 1050 of the ACO; 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

ATTEST:

Barbara Brooks, Clerk of Council

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

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