

ORDINANCE NO. 94-25

**AN ORDINANCE AMENDING CHAPTER 1052 OF THE CODIFIED
ORDINANCES OF THE CITY OF AVON REGARDING
EROSION AND SEDIMENT CONTROL
AND DECLARING AN EMERGENCY**

WHEREAS, soil is most vulnerable to erosion by wind and water during soil disturbing activities and this eroded soil necessitates repair of sewers and ditches and dredging of rivers, harbors, and lakes; accelerates downstream bank erosion and damage to public and private property; damages water resources by reducing water quality; and causes the siltation of aquatic habitat; and

WHEREAS, communities throughout the watershed(s) in which the City of Avon is located have experienced and continue to experience costs associated with inadequate erosion and sediment control and increased State and Federal regulation; and

WHEREAS, the new Ohio EPA 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, there are watershed-wide efforts to reduce sedimentation in French Creek and to protect and enhance the unique water resources and wetlands of the French Creek watershed;

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

WHEREAS, 40 C.F.R. Parts 9, 122, 123 and 124, referred to as NPDES Stormwater Phase II, require designated communities, including the City of Avon to develop and implement a Stormwater Management Program to address, among other components, erosion and sediment control during 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 1052 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, LORAIN COUNTY, OHIO:**

Section 1 - That Chapter 1052, 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 1052 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 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 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 amend legislation dealing with erosion and sediment control in Chapter 1052 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