

ORDINANCE NO. 76-15

AN ORDINANCE ADOPTING CHAPTER 1052 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO ESTABLISH 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 and wetlands 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 City of Avon recognizes its obligation to reduce sedimentation and to protect water quality by controlling soil disturbing activities within its borders; and

WHEREAS, 40 C.F.R. Parts 9, 122, 123 and 124, referred to as NPDES Storm Water Phase II, require designated communities, including the City of Avon to develop and implement a Storm Water 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 adoption of Chapter 1052 covering erosion and sediment control 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 the proposed Chapter 1052 entitled "Erosion and Sediment Control" be and the same is hereby adopted in its entirety as set forth in the attached Exhibit A which incorporated herein by this reference.

Section 2 - That the Codifier is hereby instructed to create and insert Chapter 1052 immediately following Chapter 1051 in the Avon Codified Ordinances in a manner similar to that as set forth in Exhibit A.

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.

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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 to establish erosion and sediment control legislation and lift the City's moratorium on construction as soon as possible in the affected area; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Craig Witherspoon, 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:

Ellen R. Young
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

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