

ORDINANCE NO. 23-17

**AN ORDINANCE TO AMEND CHAPTER 824 OF THE
CODIFIED ORDINANCES OF THE CITY OF AVON TO ESTABLISH RESTRICTIONS
REGARDING COMPOSTING AND MULCHING
AND DECLARING AN EMERGENCY**

WHEREAS, the City of Avon desires to protect the health, safety, and welfare of the citizens of the City; and

WHEREAS, the City has determined that it is necessary to regulate the uses permitted within the City of Avon; and

WHEREAS, the City has determined that the activities of composting and mulching pose a health risk to the residents of Avon; and

WHEREAS, Council finds the limitation of composting and mulching to be in the public interest and tailored towards the promotion of the public health, safety, and welfare of all the residents of Avon.

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

Section 1: That Chapter 824 which currently reads as follows:

CHAPTER 824 – Landfills

824.01 DEFINITIONS.

As used in this chapter:

(a) “Landfill” and “dump” mean any site, location, tract of land or installation used for the purposes commonly known as a landfill or dump, and shall include sanitary dumps, solid waste transfer facilities, composting facilities and any treatment, storage, dumping, incineration or disposal of garbage, rubbish, waste, solid waste, industrial waste, hazardous waste and infectious waste.

(b) “Person” means any natural person, corporation, partnership, association, society, representative or fiduciary, including the State, any political subdivision and any other legal entity defined as a person under the Ohio Revised Code. (Ord. 91-92. Passed 9-8-92.)

824.02 LANDFILLS PROHIBITED.

No person shall own, operate, lease, build or maintain a landfill or dump in the City. (Ord. 91-92. Passed 9-8-92.)

824.99 PENALTY.

Whoever violates any of the provisions of this chapter is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. (Ord. 91-92. Passed 9-8-92.)

shall be amended as follows: (New language in bold print)

CHAPTER 824 – Landfills **and Composting**

824.01 DEFINITIONS.

As used in this chapter:

(a) “Composting facility” and “mulching facility”, mean any facility, including but not limited to a Class IV composting facility, used for the commercial composting of materials including, but not limited to, garbage, offal, dead animals, animal waste, yard products or refuse.

(b) “Landfill” and “dump” mean any site, location, tract of land or installation used for the purposes commonly known as a landfill or dump, and shall include sanitary dumps, solid waste transfer facilities, composting facilities as defined in subsection (a), above, and any treatment, storage, dumping, incineration or disposal of garbage, rubbish, waste, solid waste, industrial waste, hazardous waste and infectious waste.

(c) “Person” means any natural person, corporation, partnership, association, society, representative or fiduciary, including the State, any political subdivision and any other legal entity defined as a person under the Ohio Revised Code. (Ord. 91-92. Passed 9-8-92.)

824.02 LANDFILLS PROHIBITED.

No person shall own, operate, lease, build or maintain a landfill or dump in the City. (Ord. 91-92. Passed 9-8-92.)

824.03 COMPOSTING FACILITIES PROHIBITED.

No person shall own, operate, lease, build or maintain a composting facility or mulching facility in the City.

824.99 PENALTY.

Whoever violates any of the provisions of this chapter is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. (Ord. 91-92. Passed 9-8-92.)

Section 2 - The Codifier is hereby instructed to insert the amendments into Chapter 824 as contained in this legislation in the appropriate order within the existing codified ordinances, renumbering and/or re-lettering anywhere applicable. All other language contained in Chapter 824 not specifically amended herein shall remain in full force and effect.

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 to amend Chapter 824 to prohibit composting facilities; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____

DATE SIGNED: _____

By: _____
Craig L. 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:

Barbara J. Brooks
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

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