

ORDINANCE NO. 24-17

**AN ORDINANCE CREATING CHAPTER 861 OF THE
CODIFIED ORDINANCES OF THE CITY OF AVON TO PROHIBIT THE
ESTABLISHMENT OF COMMERCIAL TRUCK CENTERS/SERVICE AREAS
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, due to the potential adverse impacts to air quality, noise, traffic and city streets, economics and infrastructure, the City of Avon has determined that additional commercial truck centers/service areas, truck parking or expansion of the existing commercial truck centers/service areas, beyond the current sites, are not in the best interest of Avon; and

WHEREAS, Council finds the prohibition of commercial truck centers/service areas 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 861 of the Avon Codified Ordinance shall be created to read as follows:

CHAPTER 861 COMMERCIAL TRUCK CENTERS

861.01 DEFINITIONS.

As used in this chapter:

(a) “Commercial truck center/service area” means any commercial facility which provides, in addition to refueling and food facilities, any of the following: Rest area, day or overnight truck parking, truck maintenance services and other services for the commercial freight and truck industry and associate services.

(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.

861.02 COMMERCIAL TRUCK CENTERS/SERVICE AREAS PROHIBITED.

No person shall own, operate, lease, build or maintain a commercial truck center/service area in the City.

861.03 EXISTING TRUCK CENTERS/SERVICE AREAS.

Any existing commercial truck centers/service areas may continue to operate and improve their facilities at their current sites subject to the provisions set forth in Chapter 1282 and as set forth below:

(a) “Substantial improvements” means improvements worth more than 50 percent of the fair market value of the building/lot at the time the application is submitted to the City.

(b) Substantial improvement to existing commercial truck centers/service areas shall make available truck stop electrification capabilities, or other means for each truck to utilize so as to eliminate idling.

(c) Substantial improvement to existing commercial truck centers/service areas shall require full compliance with all other applicable sections of the Avon Codified Ordinances.

(d) Commercial truck parking areas shall not be located adjacent to public streets, unless a 50-foot buffer is provided.

(e) If any conflict should exist between Chapter 1282 and Sections (a) through (d), above, Sections (a) through (d) shall prevail.

861.99 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.

Section 2 - The codifier is hereby instructed to insert the newly created Chapter 861 into the Codified Ordinances of the City of Avon as set forth herein.

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 create Chapter 861 - Commercial Truck Centers to prohibit the construction and/or operation of any additional commercial truck centers/service areas in the City of Avon; 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