

ORDINANCE NO. 94-17

**AN ORDINANCE TO ADOPT SECTION 1482.06 OF
OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO
ESTABLISH A FIRE INSURANCE TRUST FUND
AND DECLARING AN EMERGENCY**

WHEREAS, Ohio Revised Code Section 3929.86 authorizes a Municipality to enact legislation to prevent insurance companies from paying out a portion of proceeds to a named insured for fire damaged to the insured's property where the City has expended funds or anticipates expending funds to demolish or secure the fire damaged structure; and

WHEREAS, the Fire Chief for the City of Avon and its Law Director believe that such legislation should be adopted to create a Fire Insurance Trust Fund and thereby effect the purposes of that statute and avoid having taxpayers pay the cost of such demolition or repair to fire damaged structures; and

WHEREAS, the Law Director has drafted §1482.06 to enable the City to take advantage of the applicable provision(s) of the Ohio Revised Code; and

WHEREAS, Council has reviewed said legislation and had an opportunity to discuss it with the Law Director and deems it to be in the best interests of the health, safety and welfare of the citizens of Avon to adopt said provision as part of the Avon Codified Ordinances.

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

Section 1 - That the proposed Section 1482.06 entitled "Fire Insurance Trust Fund" 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 insert Section 1482.06 immediately following Section 1482.05 in Chapter 1482 of 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.

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 adopt legislation to effect the provisions of ORC §3929.86 at the local level; 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, President of Council

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: _____
In Five Places as
Provided by Council

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