

ORDINANCE NO. 10-21

**AN ORDINANCE TO AMEND CHAPTER 1464 OF THE CODIFIED ORDINANCES OF
THE CITY OF AVON TO REVISE FLOOD DAMAGE PREVENTION PROVISIONS
AND DECLARING AN EMERGENCY**

WHEREAS, the Ohio Department of Natural Resources (ODNR) through its Division of Water Resources serves as the implementation agency in the State of Ohio relative to Federal Emergency Management Agency (FEMA) regulations and the National Flood Insurance Program (NFIP); and

WHEREAS, FEMA mandated that ODNR update its model flood damage prevention regulations from the previous version that was approved by FEMA 2006. This task was completed in 2019 when FEMA approved ODNR's 2019 version of the model flood damage prevention regulations; and

WHEREAS, FEMA has completed preparing a revised Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs) for Lorain County, Ohio with said documents going into effect on March 9, 2021; and

WHEREAS, FEMA requires that communities impacted by revised FIS and FIRM documents adopt same via either new legislation or by reference in their existing flood damage prevention provisions as set forth in Avon Codified Ordinances (ACO) Chapter 1464.06(b); and

WHEREAS, because of the updates to the ODNR model flood damage prevention regulations, FEMA is requiring that all communities adopt both the new FIS and FIRM documents in conjunction with updated flood damage prevention ordinances that are compliant with or in excess of the 2019 ODNR model regulations; and

WHEREAS, the City of Avon Floodplain Administrator and City Engineer have worked with ODNR staff to prepare an updated version of ACO Chapter 1464 which complies with the 2019 ODNR model regulations to put before Avon City Council for consideration and are attached hereto as Exhibit A; and

WHEREAS, Planning Commission reviewed the current amendments to Chapter 1464 at its meeting on February 17, 2021 and by a vote of five (5) to zero (0), recommended approval of same to City Council; and

WHEREAS, Council, having reviewed the updated version of ACO Chapter 1464 and taking into consideration the recommendations of the Planning Commission, the City Engineer and the Chief Building Official, finds adoption of same to be in the best interest of the health, safety and welfare of the citizens of Avon

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

Section 1 – That the provisions of Chapter 1464, entitled “Flood Damage Prevention” shall be amended to read as set forth in the new Chapter 1464 which is attached hereto as Exhibit "A" and incorporated herein by this reference.

Section 2 – That the Codifier is hereby instructed to insert new Chapter 1464 as contained in Exhibit A of this legislation.

Section 3 – That it is found and determined that all formal actions of the Council of the City of Avon concerning and relating to the adoption of this Resolution were taken in an open meeting of the Council of the City of Avon and that all deliberations of this City's Council and any of its committees that resulted in those 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 immediately necessary for the preservation of the public health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity to amend Chapter 1464 of the Avon Codified Ordinances to update flood damage prevention controls, eliminate obsolete provisions and to ensure consistency between the Avon Codified Ordinances and other State and Federal provisions prior to March 9, 2021; 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: _____
In Five Places as
Provided by Council

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