

ORDINANCE NO. 90-21

AN ORDINANCE AMENDING ALL OF CHAPTER 1028 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON CONCERNING “TREES” AND DECLARING AN EMERGENCY

WHEREAS, Chapter 1028 of the Codified Ordinances of the City of Avon was originally adopted as Ordinance No. 29-61, passed June 14, 1961; and

WHEREAS, since that time only one amendment was made to the chapter and that amendment was in Ordinance No. 139-15, passed on October 26, 2015, to delete Section 1028.10 as it pertained to certain prohibited trees; and

WHEREAS, interested citizens have recently petitioned City Council for the creation of a city Tree Commission; and

WHEREAS, Council, after considering the matter, passed Ordinance No 70-21 on September 13, 2021 to establish the City’s Tree Commission. Said Commission is now codified in Chapter 277 of the Avon Codified Ordinances; and

WHEREAS, the Tree Commission, at their initial meeting, set out to have the City of Avon designated as a “Tree City USA”; and

WHEREAS, one of the many steps along the way to achieving this designation is the creation of a tree care ordinance that provides clear guidance for planting, maintaining, and/or removing trees from streets, parks and other public places; and

WHEREAS, another step in the process is the proclamation of an Arbor Day within the City and the annual appropriation of at least \$2.00 per capita from the City’s budget to spend on planting, caring, and removing trees from public places thereby demonstrating the City’s ongoing investment in public trees; and

WHEREAS, Council, in considering the recommendations of the Tree Commission, finds that adoption of the revised Chapter 1028 to be in the best interests of the health, safety and welfare of the citizens of Avon.

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

Section 1 - That Chapter 1028 entitled “Trees”, is hereby amended and adopted as set forth in the attached [Exhibit A](#), which is incorporated herein by the reference. The City’s codifier is hereby instructed to replace the existing Chapter 1028 with the version herein adopted as set forth in Exhibit A.

Section 2 - That the Finance Director is hereby instructed to include a line item in the 2022 City Budget for \$50,000 to initiate and then maintain a community forestry program to be spent as determined necessary by the Director of Public Service on advice of the City’s Tree Commission or as deemed appropriate.

Section 3 – That the first Saturday in November of every year is hereby declared to be Arbor Day for the City of Avon.

Section 4 – 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 5 - 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 City of Avon, the immediate emergency being the necessity of adopting amendments to Chapter 1028, making an appropriation of monies for a community forestry program and declaring an Arbor Day before the deadline for applying for the designation of “Tree City USA” on December 1, 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 J. Brooks
Clerk of Council

POSTED: _____

In Five Places as
Provided by Council

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