

ORDINANCE NO. 74-15

AN ORDINANCE AMENDING CHAPTER 1050 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO REVISE SECTIONS OF THE CITY'S COMPREHENSIVE STORMWATER MANAGEMENT PROGRAM AND DECLARING AN EMERGENCY

WHEREAS, flooding is a significant threat to property and public health and safety and stormwater management lessens flood damage by reducing and holding runoff and releasing it slowly; and,

WHEREAS, the City of Avon experienced significant flooding on May 12-13, 2014 in the southeast quadrant of the City; and

WHEREAS, after that flood event the City elected to hire Chagrin Valley Engineering (CVE) engineering to review its stormwater legislation and propose changes, where necessary, to mitigate the flooding effects of land development projects and associated increases in impervious cover that tend to alter the hydrologic response of local watersheds; and

WHEREAS, in addition to the study, the City of Avon declared a moratorium on all construction in that area until existing stormwater regulations could be reviewed and if necessary, revised to address property owners' concerns; and

WHEREAS, the first phase of the CVE study is complete and the City of Avon desires to amend Chapter 1050 to establish new and revised standards, principles, and procedures for the regulation of soil disturbing activities that may increase flooding and erosion and may cause adverse impacts to water resources, resulting from storm water runoff; and,

WHEREAS, Council, under authority granted to it under Article XVIII, Section 3 of the Ohio Constitution, has reviewed the proposed amendments to Chapter 1050 and finds that adoption of same to be in the best interests of the health, safety and general welfare of the community.

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

Section 1 - That Chapter 1050, as amended, is hereby adopted as set forth in the attached Exhibit "A", which is incorporated herein by the reference. The City's codifier is hereby instructed to remove the existing Chapter 1050 and replace it with the version set forth herein.

Section 2 - 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.

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Section 3 - 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 a revised comprehensive stormwater management program in Chapter 1050 of the codified ordinances of 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 Witherspoon, Council President

DATE APPROVED BY THE MAYOR _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Ellen R. Young
Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

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