

ORDINANCE NO. 61-16

**AN ORDINANCE REPEALING CHAPTER 848 OF THE CODIFIED
ORDINANCES OF THE CITY OF AVON, LORAIN COUNTY
AND DECLARING AN EMERGENCY**

WHEREAS, Chapter 848 of the Codified Ordinances of the City of Avon was adopted on April 9, 1952 to regulate the sale of personal property and farm produce in the City prior to the adoption of zoning laws; and

WHEREAS, the Planning Coordinator, Zoning Enforcement Officer and City Law Director have recently had an opportunity to review Chapter 848 as it relates to the sale of farm produce from roadside stands and found that certain sections of Chapters 1262 and 1280 conflicted with Chapter 848 and pursuant to Section 1220.07(b) of the Codified Ordinances, superseded Chapter 848; and

WHEREAS, it was determined that several regulations adopted since 1952, most recently legislation adopted in 1992 (City Master Plan) and 2001 (City's Planning and Zoning Code, particularly Chapters 1262 and 1280) supersede or conflict with Chapter 848 and render that section essentially obsolete, void and unenforceable; and

WHEREAS, after discussion, review and further consideration, Council deems it acceptable and appropriate to repeal Chapter 848 of the Codified Ordinances of the City of Avon, Lorain County, Ohio in its entirety.

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

Section 1 - That the entire Chapter 848 of the Codified Ordinances of the City of Avon entitled, "Sale of Farm Produce" as set forth in the attached Exhibit A, is hereby repealed.

Section 2 - The codifier is hereby instructed to remove Chapter 848 from the Codified Ordinances and insert the following notation: "Chapter 848 was repealed in its entirety by Ordinance No. 61-16, passed May 23, 2016."

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 of repealing Chapter 848 of the Codified Ordinances; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Ordinance No. 61-16 (Con't)

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:

Ellen R. Young
Clerk of Council

POSTED: _____

In Five Places as
Provided by Council

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