

ORDINANCE NO. 109-13

**AN ORDINANCE TO AMEND §1050.101(d) OF THE CODIFIED ORDINANCES
OF THE CITY OF AVON TO FACILITATE COLLECTION
OF DELINQUENT ANNUAL INSPECTION AND FEES
AND DECLARING AN EMERGENCY**

WHEREAS, on March 26, 2012 Council passed Ordinance No. 17-12 to amend Chapter 1050.101 of the Codified Ordinances regarding Annual Inspections; and

WHEREAS, the City Engineer, in implementing §1050.10 and §1050.101, found that the City had not adopted a mechanism to collect delinquent stormwater inspection fees; and

WHEREAS to facilitate the most cost efficient method of collection, the Administration has recommended amending §1050.101(d) to allow the Finance Director to certify any delinquent accounts to the County Auditor for placement on the tax duplicate of the County to be collected the same as real estate taxes together with interest thereon; and

WHEREAS, Council had an opportunity to review this amendment and finds that adoption of same to be in the best interests of the health, safety and welfare of the citizens of Avon.

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

Section 1 - Section 1050.101(d) of the Avon Codified Ordinance which currently reads as follows:

1050.101 ANNUAL INSPECTIONS.

- (d) It is deemed a violation of this section if the City does not receive the annual inspection report before August 1 of each year. In such an event, the City has the authority to enter upon the property to conduct inspections as necessary to verify that the storm water management practices are being operated and maintained in accordance with this chapter, and assess the responsible party accordingly.

(Ord. 17-12. Passed 3-26-12.)

shall be amended as follows: (New language in bold print)

1050.101 ANNUAL INSPECTIONS.

- (d) It is deemed a violation of this section if the City does not receive the annual inspection report before August 1 of each year. In such an event, the City has the authority to enter upon the property to conduct **any** inspections as necessary to

Ordinance No. 105-13 (Con't)

verify that the storm water management practices are being operated and maintained in accordance with this chapter and ~~assess charge~~ the responsible party accordingly. **Any accounts that are over thirty (30) days delinquent may be certified to the County Auditor, who shall then place the same on the tax duplicate of the County, with interest as allowed by law, to be collected as taxes are collected.** (Ord. 17-12. Passed 3-26-12.)

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.

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, Ohio; the immediate emergency being the necessity of adopting an amendment to the City's storm water legislation; therefore, this Ordinance shall take effect and be in full force immediately upon its passage and approval by the Mayor

PASSED: _____ DATE SIGNED: _____

By: _____
Daniel S. Zegarac, Council President

DATE APPROVED BY THE MAYOR: _____

James A. Smith, 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:
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Law Director