

ORDINANCE NO. 36-16

**AN ORDINANCE AUTHORIZING THE CREATION OF
THE STORMWATER UTILITY FUND NO. 285
AND DECLARING AN EMERGENCY**

WHEREAS, over the past two years the Administration has been moving forward with plans to create a stormwater utility in order to, among other things, identify a source funding to specifically manage stormwater runoff and adopt flood control methodologies designed to minimize the risks of personal injury and property damage caused by excessive amounts of rainfall and snow melt in and around the City of Avon; and

WHEREAS, pursuant to Ohio Revised Code sections 5705.09 and 5705.12, the Finance Director is requesting Council pass an Ordinance authorizing the creation of a special revenue fund to receive, among other sources of funds, all revenues associated with a stormwater utility fee (measured as “Equivalent Residential Units or ERUs); and

WHEREAS, the revenues generated in the fund will be used exclusively toward maintenance and operating expenses and capital improvements related to stormwater management and drainage.

WHEREAS, Council finds, based upon the recommendation of the Finance Director, that the creation of a Stormwater Utility Fund is in the best interests of the health, safety and general welfare of the community.

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

Section 1. That Council hereby authorizes the creation of Storm Water Utility Fund No. 285 to receive, among other sources of funds, all revenues collected in association with the future imposition of a stormwater utility fee (measured as “Equivalent Residential Units or ERUs).

Section 2. That the revenues generated in this fund shall be used exclusively for maintenance and operating expenses and capital improvements related to stormwater management and drainage.

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 and desirability to authorize the creation of

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the Storm Water Utility Fund No. 285; therefore, this Ordinance shall be in full force and effect immediately upon its passage by this Council and approval by the Mayor.

PASSED: _____ DATE: _____

SIGNED BY: _____
Craig L. Witherspoon, President of Council

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