

ORDINANCE NO. 77-16

**AN ORDINANCE EXTENDING THE TEMPORARY MORATORIUM
ON THE ESTABLISHMENT, DEVELOPMENT AND CONSTRUCTION OF ALL
CONGREGATE CARE FACILITIES IN THE CITY OF AVON, OHIO
AND DECLARING AN EMERGENCY**

WHEREAS, Council, on December 21, 2015, passed Ordinance No. 156-15 imposing a six (6) month Moratorium on all activity surrounding congregate care facilities anywhere within the City; and

WHEREAS, said moratorium is set to expire on June 20, 2016; and

WHEREAS, in furtherance of this plan to review the law in this area, the Administration recommends an extension of the moratorium to August 2, 2016 to provide a sufficient amount of time for the new legislation to be adopted and take effect before the expiration of the moratorium period; and

WHEREAS, Council agrees with the Administration that such an extension is necessary to insure that no new development begins until after the effective date of the amendments to avoid the potential of irrevocable harm to the community and therefore finds it necessary, appropriate and in the best interests of the public health, safety and welfare of the citizens of Avon to extend the current moratorium established by Ord. No. 156-15 to August 2, 2016.

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

Section 1 - That Council hereby extends the six (6) month moratorium on congregate care facilities passed in Ordinance No. 156-15 on December 21, 2015 to August 2, 2016. All other provisions of Ordinance No. 156-15 not in conflict with this expiration date, shall remain in effect.

Section 2 – That if any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3 - That it is found and determined that all formal actions of the Council of the City of Avon concerning and relating to the adoption of this Ordinance were taken in an open meeting of the Council of the City of Avon and that all deliberations of this City's Council and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirement, including Section 121.22 of the Ohio Revised Code.

Section 4 - That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity to extend the temporary

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moratorium on the consideration, approval or authorization of any applications for any of the following: The development or construction of any congregate care facility, the components of which are independent living with congregate dining facilities, congregate living, assisted living or nursing care anywhere in the City of Avon to give City officials adequate time to consider what, if any, changes are required to current ordinances governing these facilities for an additional six (6) months through December 21, 2016; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

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

ATTEST:

Barbara J. Brooks
Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

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