

ORDINANCE NO. 77-15

AN ORDINANCE REPEALING CHAPTER 1041 AND ADOPTING CHAPTER 1053 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON REGARDING ILLICIT DISCHARGE & ILLEGAL CONNECTION CONTROL AND DECLARING AN EMERGENCY

WHEREAS, illicit discharges to the City of Avon’s separate storm sewer system create water quality risks to public health, safety, and general welfare; and

WHEREAS, illicit discharges may necessitate repair of storm sewers and ditches; damage public and private property; and may damage water resources by reducing water quality; and

WHEREAS, there are watershed-wide efforts to reduce illicit discharges to the Black River and to protect and enhance the unique water resources of the Black River Watershed; and

WHEREAS, 40 C.F.R. Parts 9, 122, 123 and 124, and Ohio Administrative Code 3745-39 require designated communities, including the City of Avon to develop a Stormwater Management Program that, among other components, requires the City of Avon to prohibit illicit discharges to their stormwater system and to implement appropriate enforcement procedures and actions to detect and eliminate such illicit discharges; and

WHEREAS, Council, under authority granted to it by Article XVIII, Section 3 of the Ohio Constitution, has reviewed the proposed Chapter 1053 and finds that adoption of same and repeal of Chapter 1041 to be 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 the proposed Chapter 1053 entitled “Illicit Discharge & Illegal Connection Control” be and the same is hereby adopted in its entirety as set forth in the attached Exhibit A which incorporated herein by this reference.

Section 2 – That existing Chapter 1041 entitled “Illicit Discharge and Stormwater Pollution Connection Regulations”, be and the same is hereby repealed.

Section 3 - That the Codifier is hereby instructed to create and insert Chapter 1053 immediately following Chapter 1052 in the Avon Codified Ordinances in a manner similar to that as set forth in Exhibit A. In addition, the Codifier should note in place of Chapter 1041 that said chapter has been repealed and a reference should be made to new Chapter 1053.

Section 4 - 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 5 - 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 repeal Chapter 1041, to adopt Chapter 1053 to control illicit discharge and illegal connections to the municipal storm sewer system; and to act in a timely manner so as to lift the existing moratorium on construction as early as practicable; 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
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