

ORDINANCE NO. 51 - 14

By: Steve Keyes

An ordinance requiring corrective action at petroleum impacted sites in the City of Bexley, by amending Chapter 1490.02 and adding Chapter 1490.20 to the Bexley Codified Ordinances.

WHEREAS, The City of Bexley desires to promote a vibrant and environmentally sustainable community, and to encourage quality commercial corridors; and

WHEREAS, Environmentally impacted former gas station properties can present an insurmountable hurdle to redevelopment; and

WHEREAS, It is in the best interests of the community and its residents if the City promotes a proactive program to assure the quick and comprehensive cleanup of sites contaminated by petroleum products;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

**Section 1.**

That the following definitions be added to Chapter 1490.02:

(r) "NFA Letter" means a letter from the Ohio Bureau of Underground Storage Tanks Regulation ("BUSTR") certifying that corrective action pursuant to Ohio Adm.Code 1301:7-9-13 is complete.

**Section 2.**

Chapter 1490.20 of the Bexley Codified Ordinances shall be added to read as follows:

1490.20 ENVIRONMENTAL CONTAMINATION

- (a) Owners and operators of property where a release or suspected release of petroleum products from an Underground Storage Tank has occurred shall take corrective action pursuant to Ohio Adm.Code 1301:7-9-13.
- (b) If the City of Bexley becomes aware of a property where such a release or suspected release has occurred, the City may contact the property owner and/or operator and request within 30 days either: a) a copy of an NFA letter; or b) written evidence that corrective action pursuant to Ohio Adm.Code 1301:7-9-13 is currently being undertaken at the property.
- (c) If the property owner and/or operator fails to provide the documentation identified in Chapter 1490.20(b), or provide documentation establishing that corrective action pursuant to Ohio Adm.Code 1301:7-9-13 is not necessary, then the City may assess the site \$2,000 per month until the owner and/or operator provides such documentation to the City.
- (d) All site assessments referenced in the ordinance shall be payable within 30 days. If payment is not received, then site assessments shall be attached as a lien onto the property.
- (e) Receipts from site assessments shall be deposited into a newly created Bexley Land Bank Fund, to be used towards land acquisition, environmental remediation of City or Bexley Community Improvement Corporation ("BCIC") owned sites, demolition of City or BCIC owned sites, and site improvements to City or BCIC owned sites.
- (f) This ordinance shall be construed consistently with Ohio Adm.Code 1301:7-9-13 and R.C. 3737.87 *et seq.*
- (g) This ordinance shall not be construed to interfere with any legal rights or duties under federal or state law.

**Section 3.**

That this Ordinance shall go into effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2014

Attest: \_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Richard Sharp, President of Council

Approved: \_\_\_\_\_, 2014

\_\_\_\_\_  
Benjamin Kessler, Mayor

First Reading 9-23-14

Second Reading 10-14-14

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Third Reading 10-28-14