

AN ORDINANCE TO PREVENT THE CHANGE OF GRADE OF ANY  
RAILROAD GRADE CROSSING IN THE VILLAGE OF SPENCER  
WITHOUT THE PRIOR WRITTEN CONSENT OF THE VILLAGE  
COUNCIL AND TO DECLARE AN EMERGENCY

BE IT ORDAINED by the Council of the Village of Spencer, Ohio, three-fourths of its members concurring herein, as follows:

1. The level of any railroad grade crossing in the Village of Spencer, Ohio shall not be changed without the prior specific written consent of the Village Council to do so.

2. Whenever a railroad company wishes to change the level of a grade crossing within the limits of the Village of Spencer, Ohio it shall make application to the Village Council for permission to make said change and shall submit with said application a full set of plans and specifications showing the exact change to be made and the resulting changes in the roadway approaches, sidewalks and yard lawns. The Village Council shall have a reasonable time to consider the proposed change in grade and shall afford the railroad requesting such change an opportunity in public hearing to present any additional information relative to its request. The decision of the Village Council as to the request for grade change shall be made not more than 3 months following the receipt of the application from the railroad and consent for the duly requested change shall not be unreasonably withheld by the Village after first considering the Village needs and the safety of the roadway users within the Village of Spencer.

3. Whoever violates Section 1 of this Ordinance shall be subject to a fine of not more than \$50.00 and each day that the violation continues shall be considered a separate offence punishable by said fine of not more than \$50.00 per day. In addition to the foregoing penalty the Village of Spencer shall have the right to apply to any court having jurisdiction in the matter for injunctive relief.

4. This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public's peace, health, safety and welfare of the Village of Spencer, Ohio and for the particular reason that in the past railroad grade crossings have been changed without notice to the Village of Spencer to the detriment of the safety of the users of the roadways within the Village of Spencer and further such hazardous grade crossings may occur in the future and that this Ordinance shall be in full force and effect from and after its passage.

PASSED: August 27, 1980

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk