

ORDINANCE NO. 6 - 83

AN ORDINANCE TO AMEND ORDINANCE NO. 252,  
THE SUBDIVISION CODE OF THE VILLAGE OF  
SPENCER, OHIO AND TO DECLARE AN  
EMERGENCY

BE IT ORDAINED, by the Council of the Village of  
Spencer, Ohio, three-fourths (3/4) of its members con-  
curring herein as follows:

1. Ordinance No. 252, the Subdivision Code of the  
Village of Spencer, Ohio passed September 28, 1972, is  
hereby revoked in its present form and is amended to read  
as follows:

SECTION I - "DEFINITION"

(A) "SUBDIVISION" means the division of any parcel of  
land shown as a unit or as contiguous units of the last pre-  
ceding tax roll into two or more parcel sites or lots, any  
of which is less than five acres for the purpose, whether  
immediate or future transfer of ownership, or the improvement  
of one or more parcels of land for residential, commercial or  
industrial structures, involving the division or allocation  
of land for the opening, widening or extension of any street  
or streets in the incorporated area of the Village of Spencer,  
Ohio.

(B) The owner of any such parcel of land who proposes  
to create a "Subdivision" shall proceed in the manner here-  
after prescribed:

## SECTION II - "PREPARATION OF PLATS"

(A) Plats of all subdivisions within the corporate limits of the Village of Spencer shall be required and all such plats shall be filed first with the Planning Commission for its approval, disapproval or modifications. The Planning Commission shall consider the proposal and shall make its findings and attach same to or affix same on said plat within thirty (30) days of presentation of said proposed plat to the Planning Commission. However, for good cause, the Planning commission, upon notice to the applicant, may continue its considerations for a reasonable additional time. Regardless of the findings of the Planning Commission, the plat shall next be filed, with the Clerk of Council and the date of such action noted thereon. No final action by Council regarding acceptance or rejection of said plat shall be made until after the expiration of thirty (30) days from the date of such filing.

(B) All plats of subdivision of land within the corporate limits of the Village of Spencer, Ohio, submitted by the owner or developer of said lands shall contain the following features and information:

(1) All subdivisions shall be surveyed by a Registered Surveyor. All surveys shall comply with the minimum surveying standards required by the State of Ohio, Board of Registration for Engineers and Surveyors.

(2) Name and location of the subdivision, which name shall not duplicate or closely approximate the name of any other subdivision in the Village of Spencer, or within three miles from the corporate limits thereof.

(3) Name and address of the owners of record.

(4) The plat shall be drawn to a scale of not smaller than 1 inch to 100 feet, and shall show the total acreage contained therein, including all lots and streets in each of the original Out Lots or In Lots subdivided. The Plat shall contain the title, scale, north arrow and date.

(5) Permanent markers shall be established from which a re-survey of the plat can be run and, each corner of each lot shall be marked with some permanent type marker.

(6) Prior to recording of the plat, all lots shall be numbered according to the Village of Spencer numbering system. Said numbers will be assigned by the Street Committee of Council.

(7) Names of all proposed streets not to duplicate or closely approximate the names of any other streets in the Village of Spencer.

(8) The subdivision shall conform to any existing or future projected plan of streets of public grounds adjoining or within the area of the subdivision.

(9) The plat shall have the following printed in a suitable place thereon:

(a) I-we, the undersigned, owners of the land embraced in this subdivision, do hereby acknowledge this plat to be my-our own free act and deed and dedicate the streets herein shown to public use forever.

Witness my-our hand(s) this \_\_\_\_\_ day of \_\_\_\_\_  
19 .

WITNESS:

SIGNED:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_

State of Ohio:  
:SS  
Medina County:

Signed and acknowledged before me a Notary Public in and for said Medina County this \_\_\_\_\_ day \_\_\_\_\_, 19 .

\_\_\_\_\_  
Notary Public

(b) I hereby certify this plat to be a correct return of the field notes of a survey for made \_\_\_\_\_, 19 .

\_\_\_\_\_  
Registered Surveyor No.

(c) Received for consideration by the Spencer Planning Commission \_\_\_\_\_, 19 .

\_\_\_\_\_  
Secretary for Planning Commission

(d) This plat was \_\_\_\_\_  
by the Spencer Planning Commission \_\_\_\_\_  
, 19 .

\_\_\_\_\_  
Secretary of Planning Commission

(e) Received for Council action \_\_\_\_\_  
, 19 .

\_\_\_\_\_  
Clerk of Council

(f) This plat was duly accepted by  
Ordinance No. \_\_\_\_\_ of the Village of Spencer Council  
at a regular meeting held \_\_\_\_\_, 19 .

\_\_\_\_\_  
President of Council

ATTEST:

\_\_\_\_\_  
Clerk of Council

(g) Received for transfer \_\_\_\_\_ 19 .

\_\_\_\_\_  
Tax Map Draftman

(h) Received for transfer \_\_\_\_\_ 19 .

\_\_\_\_\_  
Medina County Auditor

(i) Received for record \_\_\_\_\_ 19 .

at \_\_\_\_\_ A.M.  
P.M.

Recorded \_\_\_\_\_, 19 in Vol. \_\_\_\_\_

Page \_\_\_\_\_ Fee \_\_\_\_\_

(C) That, in order to assist the Village Council and Planning Commission members in determining the most feasible layout of streets, alleys and other public grounds in regard to the interest and growth of the Community, all plats of proposed allotments and subdivisions of lands within the Village of Spencer, Ohio submitted to said Council and Planning Commission for final approval shall be accompanied by two (2) copies of the following:

(1) A topographic map of the territory to be subdivided showing the following:

(a) Contours of two ft. intervals with the elevation above mean sea level indicated thereon.

(b) Location of all fixed objects that might influence the design of the streets and utility layouts.

(c) Location of all existing streets and public grounds on or adjacent to the proposed subdivision.

(d) Location of all existing water mains, sanitary sewers, and storm sewers, including culverts, bridges and the approximate area to be drained.

(e) Names of the owners of the adjoining properties.

(f) A permanent type bench mark with the elevation above mean sea level indicated.

(2) A map of the proposed street and lot layout showing the following data, which shall conform to all Village Ordinances and standards:

- (a) Title, scale, north arrow and date,
- (b) A typical cross-section of the proposed street right-of-way, showing the proposed street design and location of the proposed water main sanitary sewer, sidewalks and storm sewer with reference to the pavement,
- (c) Street layout showing intersection details and cross sections at no greater than 50 foot intervals,
- (d) The size and location of the proposed water mains, including connections to existing system,
- (e) The size, location and invert elevations of the proposed sanitary sewer, including manholes and connections to the existing system,
- (f) The size, locations and invert elevations of the proposed storm sewers, including all inlets and outlets,
- (g) Sites for proposed public grounds, with boundary lines, bearings and distances,
- (h) Easements, including storm water drainage easement if necessary, showing location, width and purpose,
- (i) A complete and detailed map showing all utilities as actually installed will be required before final acceptance of street. This map to show by measurement to lot lines and other permanent markers the location of sewer laterals, water taps, valves, hydrants, manholes, and all other utilities as actually installed.

### SECTION III - "UTILITIES"

- (A) Sanitary sewers shall be installed by the property

owner of the size and to the grade line approved by the Board of Public Affairs, including four inch (4") laterals from the sewer main to two feet (2') inside the property line.

(B) Water mains of eight inch (8") diameter including valves, hydrants, and connections, shall be installed by the property owner to the specifications set by the Board of Public Affairs.

(C) House service lines to and including curb boxes to be installed at the owners expense in accordance with regulations of the Board of Public Affairs.

(D) Electric power lines shall be installed underground at the owner's expense in accordance with the regulations of the local power company.

(E) All utilities, either public or private, shall be installed underground in a manner which will not conflict with maintenance and service of other utilities.

#### SECTION IV - "STREETS"

(A) All street right-of-ways shall be a minimum of 60 ft. in width, including sidewalks of four feet (4') width on both sides of the street.

(B) Sidewalks on both sides of the street shall have a minimum thickness of four inches (4") and a minimum width



of four feet (4') and shall be constructed by the developer to an established grade corresponding to the street grade in accordance with standards approved by the Village of Spencer. Sidewalks shall be six inches (6") thick thru drive aprons and within four feet (4') of edge of aprons.

(C) Curbs, gutters, sanitary sewers and storm sewers must be installed by the developer in a manner approved by the Village of Spencer.

(D) The driving surface of the streets shall be improved with a six inch (6") reinforced concrete, twenty-five feet (25') in width, including curbs. All drive aprons will be six inches (6") thick of plain concrete except when servicing commercial, industrial or agricultural uses where aprons will be six inches (6") thick of re-inforced concrete. Concrete reinforcement shall comply with Ohio Department of Transportation standards or as approved by the Village of Spencer.

#### SECTION V - "INSPECTION AND ACCEPTANCE"

(A) The acceptance of a plat of a subdivision of land upon which new streets or alleys are dedicated to public use, does not mean acceptance for maintenance by the Village of the streets, sidewalks, water lines, storm sewers, etc. to be constructed therein, and such shall not be accepted for maintenance by the Village prior to one year after they have been constructed. The owner or developer shall inform the Planning Commission at the time the original construction has been completed so that a preliminary inspection may be made prior to the year's maintenance by the

owner or developer. After the one year maintenance by the owner or developer has passed, the owner or developer shall then apply to the Planning Commission for final inspection, prior to acceptance by the Village for maintenance thereof.

#### SECTION VI - "CONSTRUCTION BONDS"

(A) The owner or developer of any allotment or subdivision of land within the Village of Spencer, wherein improvements i.e. streets, sidewalks, water lines, storm sewers, sanitary sewers, etc., are contemplated for construction in accordance with standards established by the Village of Spencer, shall post a performance and maintenance bond payable to the Village of Spencer with adequate surety satisfactory to the Village Clerk in an amount equal to One Hundred Ten Percent (110%) of the cost of these improvements completely constructed. Such bond shall be conditioned that said improvements will be properly installed at the time of developing land and streets and as a guarantee that if said improvement is or shall become defective, or in need of repair within said one year period, and the said owner or developer fails to make appropriate corrections and repairs at his own expense, then such bond will be forfeited to the Village and so much thereof as may be needed to make such corrections, repairs or installations shall be used by the Village for such purpose. The Village shall provide inspection during the construction of said improvements at the cost of the developer and the

Village Inspector is hereby granted the authority to shut down the construction of the project when violations of this ordinance or other Village ordinances, rules or regulations are observed, until such time as such violations are properly corrected. The developer shall in advance of commencement of construction deposit with the Village an amount determined by the Village as the estimated cost of such inspection, and such additional amount therefor as the Village may from time to time determine.

#### SECTION VII - "PENALTY"

(A) Whoever violates any rule or regulation or fails to comply with any order issued pursuant to this Ordinance, shall be fined not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00). Also, whoever willfully violates any rule or regulation or fails to comply with any order issued pursuant to this Ordinance, shall forfeit and pay not less than Ten Dollars (\$10.00) nor more than One Thousand Dollars (\$1,000.00) to the Village of Spencer for the use of the Village of Spencer as provided for under Revised Code 711.10.2. In addition to these penalties the Village of Spencer may take any other recourse provided by law for violation of this Ordinance.

2. That this Ordinance is hereby declared to be an emergency measure necessary for the public peace, health, safety and welfare of the Village of Spencer, Ohio and for the particular reason that the Village immediately needs

updated amended subdivision regulations to promote the orderly growth in the Village and that this Ordinance shall be in full force and effect from and after its passage.

PASSED: August 31, 1983

Sedney E. Lacy  
Mayor

ATTEST:

Deloris M. Way  
Clerk