

ORDINANCE NO. 6-21

AN ORDINANCE APPROVING AND GRANTING CONSENT TO THE DIRECTOR OF THE OHIO DEPARTMENT OF TRANSPORTATION AUTHORITY TO, APPLY, MAINTAIN, AND REPAIR STANDARD LONGITUDINAL PAVEMENT MARKINGS AND ERECT REGULATORY AND WARNING SIGNS ON STATE HIGHWAYS INSIDE VILLAGE CORPORATE LIMITS, AND GIVING CONSENT OF THE VILLAGE FOR THE OHIO DEPARTMENT OF TRANSPORTATION TO REMOVE SNOW AND ICE AND USE SNOW AND ICE CONTROL MATERIAL ON STATE HIGHWAYS INSIDE THE VILLAGE CORPORATE LIMITS, AND GIVING CONSENT OF THE VILLAGE FOR THE OHIO DEPARTMENT OF TRANSPORTATION TO PERFORM MAINTENANCE AND/OR REPAIR ON STATE HIGHWAYS INSIDE THE VILLAGE CORPORATION.

WHEREAS, the Director of Transportation, under section 5521.01, Ohio Revised Code, is authorized upon request and approval of the legislative authority of the Village to maintain, repair and apply standard longitudinal pavement marking lines and to erect regulatory and warning signs, as defined in the manual adopted under section 4511.09 of the Revised Code on any section of a State Highway within the corporate limits of a village; and

WHEREAS, the Director of Transportation, under Section 5501.41, Ohio Revised Code, may, upon consent of the legislative authority of the Village, remove snow and ice and use snow and ice control material on State Highways within the corporate limits of a Village pursuant to a written agreement to be entered into between the Village and the Department of Transportation of the State of Ohio; and

WHEREAS, the Director of Transportation, under Section 5511.01, Ohio Revised Code, may, upon the consent of the legislative authority of the Village, perform maintenance and/or repair on the State Highways within the corporate limits of the Village pursuant to a written agreement to be entered into between the Village and the Department of Transportation of the State of Ohio; and

WHEREAS, State Highway(s) located within the corporate limits of the Village of Spencer require repair with respect to current pavement markings and regulatory signs and warnings signs; and

WHEREAS, the work proposed to be authorized under this ordinance shall be restricted to the application, maintenance, and repair of standard longitudinal pavement markings and the erecting of regulatory and warning signs, and may include, if an Agreement is entered into, the removal of snow and ice and the use of snow and ice control material on State Highways within the corporate limits of the Village, but shall not include the removal of snow and ice and the use of snow and ice control material on driveways,

parking areas, and intersecting roads and streets, and, may include, if an Agreement is entered into, the maintenance and/or repair of the State Highways within the corporate limits of the Village; and

WHEREAS, this ordinance shall not relieve or discharge the Village from responsibility for emergency repair of signs installed by the Department of Transportation; and

WHEREAS, this ordinance shall not relieve or discharge the Village from any claim or claims of any nature arising from, or growing out of, the work by the Department of Transportation of the State of Ohio on said highways in the Village, and the Village shall save the State of Ohio harmless from any and all such claims; and

WHEREAS, this ordinance is not intended to and shall not supersede any section of the Ohio Revised Code pertaining to the responsibilities of the Village and the Department of Transportation regarding any other maintenance and repair.

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

SECTION I. It is hereby declared to be in the public interest that consent of said Village be, and such consent is hereby given to the Department of Transportation of the State of Ohio for said Department to apply standard longitudinal pavement markings, and to erect regulatory and warning signs on said State Highways in accordance with the standard practices of the Ohio Department of Transportation.

SECTION II: It is hereby declared to be in the public interest that the consent of said Village be, and such consent is hereby given to the Department of Transportation of the State of Ohio, if an agreement is entered into, for said Department to remove snow and ice and use snow and ice control material on any State Highways listed in the agreement in accordance with the standard practices of the Ohio Department of Transportation.

SECTION III: It is hereby declared to be in the public interest that the consent of said Village be, and such consent is hereby given to the Department of Transportation of the State of Ohio, if an agreement is entered into, for said Department to perform certain maintenance and/or repair on any State Highways listed in the agreement in accordance with the standard practices of the Ohio Department of Transportation.

SECTION IV: That the Village Mayor is authorized to enter into any agreement with ODOT for the removal of snow and ice and the use of snow and ice control material on said State Highways within the corporate limits of the Village and any agreement with ODOT for certain maintenance and/or repair of the State Highways within the corporate limits of the Village.

SECTION V: That the Village Fiscal Officer is hereby directed to furnish the Director of Transportation and the Board of County Commissioners of Medina County, Ohio, with a certified copy of this Ordinance immediately upon execution.

SECTION VI: That this Ordinance shall take effect and be in force at the earliest time allowed by law.

1st Reading: April 21, 2021
2nd Reading: May 19, 2021
3rd Reading: June 16, 2021
PASSED: June 16, 2021


DAN DeROSSETT, Mayor

ATTEST:


SHERI RAMEY, Village Fiscal Officer

CERTIFICATE OF COPY

Village of Spencer

SS:

County of Medina, Ohio

I, Sheri L. Ramey, as Fiscal Officer of the Village of Spencer, Ohio, do hereby certify that the foregoing is a true and correct copy of the Ordinance adopted by the Council of said Village on the 22nd day of April, 2021; that the publication of such Ordinance has been made and certified of record according to law; that no proceedings looking to a referendum upon such Ordinance have been taken; and that such Ordinance and the certificate of publication thereof are of record in the Village of Spencer ordinance records.

I have hereunto subscribed my name and affixed my official seal this 16th day of June, 2021.

(SEAL)


_____, Fiscal Officer
Village of Spencer, Ohio